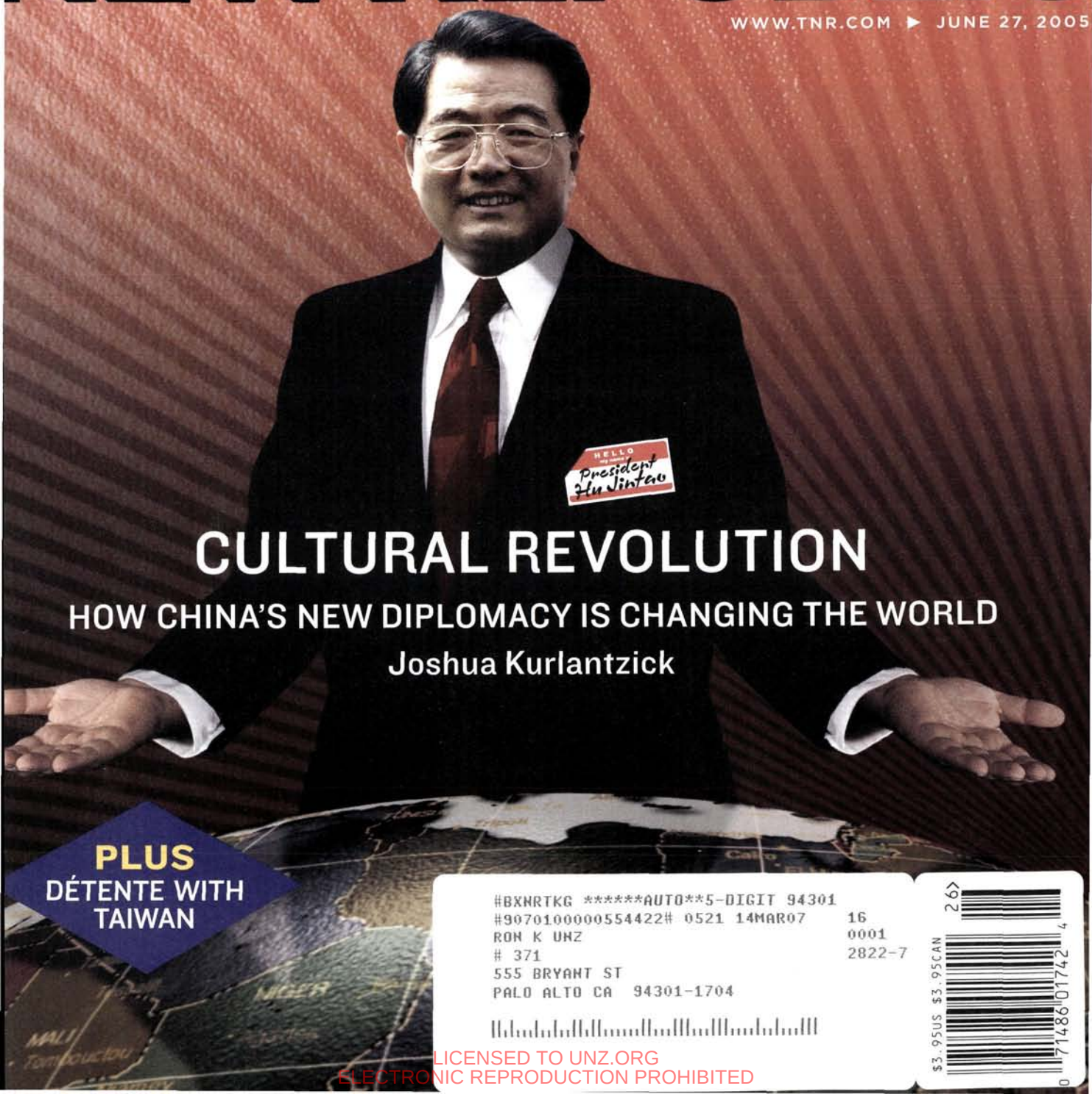
LEARNING TO LOVE THE NATION-STATE
THOMAS NAGEL

WHY INVESTORS SHOULD HATE CHRIS COX
NOAM SCHEIBER

THE NEW REPUBLIC

WWW.TNR.COM ▶ JUNE 27, 2005



CULTURAL REVOLUTION

HOW CHINA'S NEW DIPLOMACY IS CHANGING THE WORLD

Joshua Kurlantzick

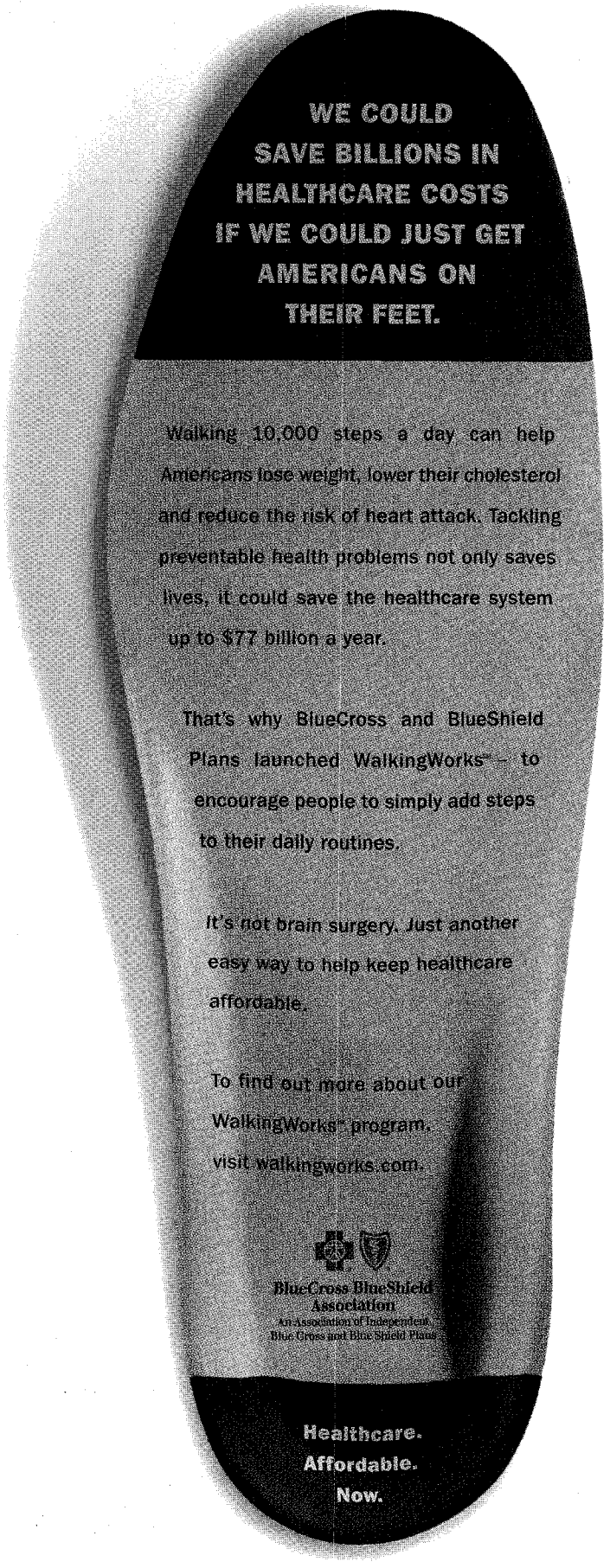
PLUS
DÉTENTE WITH TAIWAN

#BXNRTKG ******AUTO**5-DIGIT 94301
#9070100000554422# 0521 14MAR07
RON K UNZ
371
555 BRYANT ST
PALO ALTO CA 94301-1704

16
0001
2822-7

$3.95US $3.95CAN
0 71486 01742 4

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED


WE COULD SAVE BILLIONS IN HEALTHCARE COSTS IF WE COULD JUST GET AMERICANS ON THEIR FEET.
Walking 10,000 steps a day can help Americans lose weight, lower their cholesterol and reduce the risk of heart attack. Tackling preventable health problems not only saves lives, it could save the healthcare system up to $77 billion a year.
That's why BlueCross and BlueShield Plans launched WalkingWorks™ – to encourage people to simply add steps to their daily routines.
It's not brain surgery. Just another easy way to help keep healthcare affordable.
To find out more about our WalkingWorks™ program, visit walkingworks.com.
BlueCross BlueShield Association
An Association of Independent Blue Cross and Blue Shield Plans
Healthcare. Affordable. Now.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

EDITOR-IN-CHIEF
MARTIN PERETZ

EDITOR Peter Beinart (on leave)
ACTING EDITOR J. Peter Scoblic
LITERARY EDITOR Leon Wieseltier
MANAGING EDITOR Jeremy Kahn
FOREIGN EDITOR Joshua Kurlantzick
SENIOR EDITORS
Jonathan Chait, Jonathan Cohn, Michelle Cottle, Michael Crowley, Gregg Easterbrook, Franklin Foer, Ruth Franklin, John B. Judis, Lawrence F. Kaplan, Ryan Lizza, Noam Scheiber, Andrew Sullivan, James Wood, Jason Zengerle
LEGAL AFFAIRS Jeffrey Rosen
ASSISTANT MANAGING EDITOR
Adam B. Kushner
TNR ONLINE
Richard Just, Editor
Christiane Culhane, Culture Editor
FILMS Stanley Kauffmann
THEATER Robert Brustein
ART Jed Perl
MUSIC David Hajdu
ARCHITECTURE Martin Filler
DANCE Jennifer Homans
TELEVISION Lee Siegel
POETRY EDITOR Glyn Maxwell
CONTRIBUTING EDITORS
Fouad Ajami, David A. Bell, Paul Berman, Jean Bethke Elshtain, Nathan Glazer, Anthony Grafton, David Grann, Robert Kagan, Michael Kinsley, Charles Krauthammer, Jeremy McCarter, John McWhorter, Sherwin B. Nuland, Christopher Orr, David Rieff, Maggie Scarf, Ronald Steel, Cass R. Sunstein, Alan Taylor, E.V. Thaw, Helen Vendler, Michael Walzer, Sean Wilentz, Alan Wolfe, Robert Wright
CONTRIBUTING ARTISTS
Jack Coughlin, David Cowles, Vint Lawrence, David Schorr
FOREIGN CORRESPONDENTS
Massoud Ansari, Masha Gessen, Yossi Klein Halevi, Janine Zacharia
ASSOCIATE EDITOR Spencer Ackerman
ART/DESIGN DIRECTION
Joe Heroun, Christine Car/H2C Media
EDITORIAL-CORPORATE COORDINATOR
Laura E. Obolensky
PRODUCTION DIRECTOR AND INFORMATION-TECHNOLOGY DIRECTOR
Bruce Steinke
PRODUCTION MANAGER
Henry Riggs
ASSISTANT EDITORS
Kara Baskin, Marisa Katz, Clay Risen
ASSISTANT TO THE EDITOR
Alexander Barnes Dryer
ASSISTANT LITERARY EDITOR
Deborah Friedell
ASSISTANT POETRY EDITOR Melanie Rehak
REPORTER-RESEARCHERS
Ben Adler, Rob Anderson
T. A. Frank, Keelin McDonell

PRESIDENT & PUBLISHER Stephanie Sandberg
GENERAL MANAGER Allen Chin
CIRCULATION DIRECTOR Lori Fleishman Dorr
ONLINE BUSINESS DIRECTOR Ari Gersen
ONLINE MARKETING MANAGER Emilie Harkin
BUSINESS ASSISTANT Marjorie Powers

ADVERTISING SALES & MARKETING
ASSOCIATE PUBLISHER Richard Parker
DIRECTOR OF ADVERTISING, WEST
Joan Stapleton Tooley
ACCOUNT DIRECTOR Julie Sturmak
PUBLISHING REPRESENTATIVE
Perry Janoski, Allston-Cherry, Ltd.
MARKETING MANAGER Alexandra Scott

TNR/ON SYMPOSIA ON PUBLIC POLICY
Joan Daly

FINANCE & ADMINISTRATION
ACCOUNTING MANAGER Jessie Ahn
ACCOUNTING ASSISTANT Vanessa Wilson
BUSINESS ASSISTANT Grant Loomis

BOARD OF DIRECTORS
ROGER HERTOG, Chairman
MARTIN PERETZ
MICHAEL STEINHARDT

THE NEW REPUBLIC
Updated daily. On the Web at www.tnr.com.

THE NEW REPUBLIC
A JOURNAL OF POLITICS AND THE ARTS

JUNE 27, 2005 WASHINGTON, D.C. ISSUE 4,719 VOLUME 232

Cover Story

Joshua Kurlantzick **16** **Cultural Revolution** China is a rising world power, with an army to match. But Beijing's growing military might isn't nearly as disturbing as its newfound diplomatic prowess, which has developing nations and U.S. allies fawning all over it—at America's expense.

Politics & the World

4 **CORRESPONDENCE** Juan Cole: Sage or anti-Semite? &c.

Noam Scheiber **6** **TRB | Stock Split** Conservatives think the interests of big business coincide with those of the middle class. But Chris Cox's nomination as the new SEC head proves the opposite.

The Editors **7** **Exposed** The case for an independent commission to investigate prisoner abuses.

8 **NOTEBOOK** Michael Jackson's real crime, &c.

Michael Crowley **10** **On the Hill: Wander Bust** The most mourned casualty of the Abramoff–DeLay scandal? The free ride.

Christine Y. Chen **12** **Taipei Dispatch: Strait Edge** Doomsday reports from the Taiwan Strait imply a looming showdown between Beijing and the renegade island. Really, though, it's just business as usual.

Ryan Lizza **14** **White House Watch: Term Limits** It's not President Bush's fault that he has failed on all of his major second-term initiatives.

Martin Peretz **42** **CAMBRIDGE DIARIST | Impolitic**

Books & the Arts

Stanley Kauffmann **22** **FILMS | Fights and Rights** *Cinderella Man* is a bout of mixed performances; the Human Rights Watch International Film Festival channels anger and compassion.

Robert Brustein **27** **THEATER | Odious Comparisons** This year's Tony Award ceremony was remarkable for its relative inoffensiveness.

Eamon Grennan **28** **POEM** | *With Flowers and Curtain*

Thomas Nagel **29** **The Need for Nations** *Law Without Nations? Why Constitutional Government Requires Sovereign States* by Jeremy A. Rabkin

Helen Vendler **32** **One Life, One Writing** *The Letters of Robert Lowell* edited by Saskia Hamilton

David J. Garrow **36** **The Accidental Jurist** *Becoming Justice Blackmun: Harry Blackmun's Supreme Court Journey* by Linda Greenhouse

COVER ILLUSTRATION BY *Viktor Koen*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

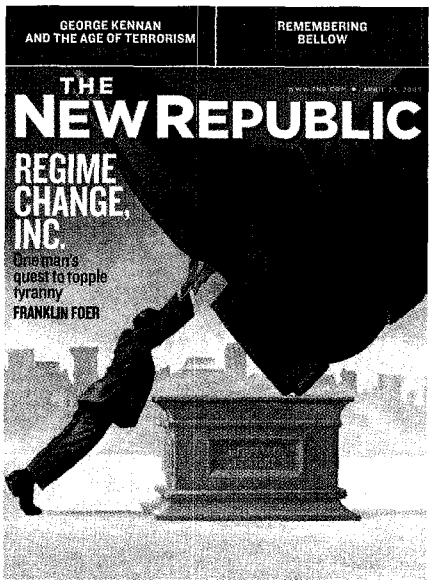
CORRESPONDENCE

FREEDOM TRADE

FRANKLIN FOER'S EARNEST AND well-written article inadvertently leaves the impression that the International Center on Nonviolent Conflict seeks to intervene in the affairs of other countries ("Regime Change, Inc.," April 25). That is not the case. We only respond to requests—and we respond to all requests—for knowledge about how to use nonviolent resistance to strive for human rights and democracy. We have never, on our own initiative, made contacts with citizens of other countries who oppose their governments. The only people who can pursue "regime change" by using nonviolent strategies are people inside a country saddled by oppressive rulers. The suggestion that people in Washington can or should try to foment nonviolent "regime change" is at odds with the reality of how civilian-based resistance works. By its very nature, it has to be indigenous to succeed. To believe otherwise only reinforces the developing myth that Americans are the puppeteers of people power. We should all be relieved that many of those who are fighting oppression all over the world are turning to nonviolent strategies to wage their struggles. And, if they ask us for help, we should not stand aside.

JACK DUVALL
President
International Center on Nonviolent Conflict
Washington, D.C.

READERS OF FOER'S ARTICLE COULD get the impression that I am a one-man band—writer, filmmaker, game-designer. This is incorrect. I have studied and advocated these ideas for 25 years, but it was only when Steve York and his team at York Zimmerman Inc. applied their creative talents as filmmakers that we began to reach the still-expanding worldwide audience now learning about nonviolent power. York Zimmerman brought the power of narrative, wrapped it in the digital media of our era, and amplified the stories of nonviolent action beyond anything I'd been able to do before. Their films have exposed millions to the idea that nonviolent strategies are better than armed struggle. York Zimmerman's new film,



on Ukraine's Orange Revolution, now in production, will be the latest in the series that began with *A Force More Powerful* and *Bringing Down a Dictator*, teaching, informing, and inspiring. Their contribution to my work is invaluable.

PETER ACKERMAN
Founding Chair
International Center on Nonviolent Conflict
Washington, D.C.

BLOOD LIBELOUS

I AM NO ADMIRER OF JUAN COLE, WHO has done immense harm to Shia Muslims and the United States by his disinformation. But one cannot fight untruth with half-truth ("Dear Diary," April 25). Efraim Karsh states that the anti-Jewish blood libel "was imported to the Ottoman Empire as early as the fifteenth century ... [and] surfaced numerous times during the pre-Zionist nineteenth century across the Muslim World, from Aleppo to Damascus to Antioch." Aside from the infelicity of describing three cities in Syria as if they represented the whole "Muslim World," Karsh neglects to recall that, as he wrote in the December 2000 *Commentary*, "most of these incidents were of Christian manufacture, and ... Ottoman authorities often extended help to the persecuted Jews." In the same article, he wrote exactly as he did in the article on Cole: "The libel itself was quickly internalized in the Muslim imagination, where it remains firmly implanted to this day." But he preceded this comment, in 2000, with a slightly different historical reference, writing that the libel was "imported to the Ottoman empire by Christians in the 15th century." Ottoman protection of the Jews against such accusations was swift and consequential: In the wake of the Damascus affair of 1840, incited by European Catholics, the Turkish sultan issued a decree denouncing the blood libel. Arab anti-Jewish prejudice should not be elided into a general statement accusing all Muslims of such bigoted beliefs and behavior.

STEPHEN SCHWARTZ
Executive Director
Center for Islamic Pluralism
Washington, D.C.

AS A REGULAR READER OF JUAN Cole, I was very interested to see what Efraim Karsh's criticisms might teach me. Not much, it turns out. "The West is blamed for (allegedly) carving the defunct Ottoman Empire into artificial entities, in accordance with its imperial interests and with complete disregard for the yearning of the indigenous peoples for political unity," he writes. Does he actually believe that the European powers did *not* carve up the Ottoman Empire after World War I? If so, that goes beyond historical revisionism to complete fantasy. Also, Karsh spends much of the article defending Israel. I am ardently pro-Israel myself, but what does Cole's allegedly insufficient Zionism have to do with his reporting and observations on Iraq?

NEIL REST
Chicago, Illinois

continued on page 41

THE NEW REPUBLIC *(ISSN 0028-6583), Vol. 232, Number 24, Issue 4,719, June 27, 2005. (Printed in the United States on June 16, 2005.) Published weekly (except for combined issues dated March 28 & April 4, May 2 & 9, June 6 & 13, July 11 & 18, August 22 & 29, November 28 & December 5, and December 26, 2005 through January 9, 2006) at 1331 H Street, NW, Washington, D.C. 20005. Telephone (202) 508-4444. For advertising inquiries, please contact Grant Loomis at (202) 508-4444 or our NY sales office at (212) 465-8447. Yearly subscriptions, $79.97; foreign, $119.97 (U.S. funds). Canada, $99.97 (U.S. funds). Back issues, $8.00 domestic and $10.00 foreign/Canada (includes postage & handling). © 2005 by The New Republic, LLC. Periodicals postage paid at Washington, D.C., and additional mailing offices. Rights and permissions: fax (202) 628-9383. Indexed in Readers' Guide, Media Review Digest. For hard copy reprints, call (202) 508-4444. Microform, Canadian Periodical Index, and CD-ROM are available through ProQuest, 300 N. Zeeb Road, Ann Arbor, MI 48106. Telephone (800) 521-0600. Postmaster: Send changes of address to The New Republic, P.O. Box 420235, Palm Coast, FL 32142-0235. Member, Audit Bureau of Circulations. Unsolicited manuscripts can be returned only if accompanied by a self-addressed, stamped envelope (e-mail address: letters@tnr.com). For subscription inquiries or problems call (800) 827-1289 or visit our website at www.thenewrepublic.com.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

America's High Schools, 2030

KURT M. LANDGRAF,
PRESIDENT & CEO, ETS

If you knew of a serious problem that would only get worse unless you took action now, wouldn't you start working to resolve it immediately? That's the situation we're facing with regard to the performance of America's public high schools.

According to ETS's most recent nationwide survey of Americans' views on key issues in education, 76 percent of adults believe the U.S. will be less competitive 25 years from now if we don't fix our high schools today. Half say the secondary education system needs either major changes or a complete overhaul.

Clearly, Americans think it's time to get to work on high school reform.

But the survey data also point to a disconnect between the public on the one hand, and high school educators on the other with regard to the nature of the problem and potential solutions.

For instance, our bipartisan polling team of Peter Hart and David Winston asked people whether all high school students should be held to a uniform standard of academic performance regardless of their background. Uniform standards are at the core of efforts to close the achievement gap and overcome what President Bush has called "the soft bigotry of low expectations."

We found that almost 60 percent of parents of K-12 students favor uniform standards, versus only 26 percent of teachers and school administrators. That disconnect on such an important issue is deeply troubling. Over time, it stands to test the public's patience with the pace of reform.

Nevertheless, other results point to common ground for reform, particularly in the areas of curriculum improvement and teacher quality:

- only 9% of adults — and 12% of teachers — believe students are being "significantly challenged" in high school
- 74% strongly favor ensuring that teachers are experts in the subjects they're teaching
- 80% support increased teacher salaries to hire and retain more well-qualified teachers even if it means higher taxes

Good, clear data such as these are helping to inform the national discussion on high school reform. In the coming weeks, we will help move reform forward by ensuring that parents, educators, policymakers and the public are exposed to this important information.

At ETS, we're listening to educators, parents and policymakers. We're learning from sound research. And we're leading the effort to achieve both informed public policy and informed educational practice.

Listening. Learning. Leading.

ETS®

Continue the conversation. Log On. Let's Talk. www.ets.org/letstalk1.html

Copyright © 2006 by Educational Testing Service. All rights reserved. Educational Testing Service, ETS, and the ETS logo are registered trademarks of Educational Testing Service.

0490F

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Stock Split

TRB FROM WASHINGTON

IMPLICIT IN THE conservative case for Chris Cox, President Bush's nominee to replace ousted Securities and Exchange Commission (SEC) Chairman Bill Donaldson, is the idea that the interests of investors and corporate executives almost always overlap. According to this thinking, lower taxes and fewer regulations lead to higher profits, which benefit shareholders and managers alike. Cox "is perfectly qualified to restore sense to the SEC after [Donaldson's] regulatory excesses," wrote the editors at *National Review Online* (*NRO*), citing Cox's reputation as a deregulator.

It's no doubt true that investors and managers have some interests in common. But there's an important bait and switch going on here: What applies generally doesn't apply in the realm of financial information, the bailiwick of the SEC. In that case, corporate managers are the producers; investors are the consumers. And, as with most industries, the interests of producers and consumers diverge here. Conservatives can't admit this, because doing so would alienate a key constituency—investors. So, instead, they fudge.

For example, *NRO* praises Cox for opposing proposals like one by Senators John McCain and Carl Levin "to limit corporate deductions on stock-option compensation." The implication is that Cox opposed a costly tax increase—for which both shareholders and managers should be grateful. But what the senators actually proposed was eliminating a double standard: They wanted companies that treat stock options as an expense on their tax returns, thereby earning enormous deductions, to report them as an expense to investors as well. The law currently allows managers to tell the IRS one thing and shareholders another, creating a false impression of a company's financial health.

Similarly, *The Wall Street Journal* editorial page recently rejoiced that Cox would likely abandon Donaldson's efforts to help "special interests ... elbow their way onto seats on corporate boards." This sounds like something both managers and investors should cheer. In fact, what Donaldson proposed was making it easier for *shareholders* to nominate board members. In a recent column, George Will touted legislation Cox sponsored making it much more difficult for shareholders (er, special interests) to win lawsuits against corporate executives who've defrauded them. Will says Cox's intent was to discourage "frivolous and extortionate lawsuits," which ultimately harm investors, not to carry water for executives. He neglects to point out that an earlier version of Cox's bill went so far as to make forgetfulness a legitimate defense against charges of recklessness.

For years, of course, it really wasn't clear where the so-called investor class began and the managerial class ended. Pretty much the only people who owned large amounts of stock were corporate managers themselves, other affluent professionals, and the independently wealthy. In the case of executives, their interests as managers overwhelmed their interests as consumers—why clamor for tighter consumer protection when it's only going to constrain the way you run your company? Meanwhile, the affluent didn't rely on the government to look out for their interests as consumers of financial information, because they could afford skilled professionals to do it for them. And all of these people had an economic interest in cutting taxes on business and capital and eliminating regulations.

But, beginning in the early '80s, a change to the tax code permitting workers to save tax-free for retirement—section 401(k)—coupled with what would be a nearly 20-year bull market created a new investing demographic: the middle class. In 1983, according to the Securities Industry Association (SIA), only about 20 percent of all households owned stock in some form. By 2002, the percentage had soared to 50.

Politically, the question posed by this development was whether the interests of middle-class investors as owners of corporations would dominate their interests as consumers of financial information. Conservatives assume they do. But the evidence points in the opposite direction. For instance, one question on the Election Day exit poll in 2000 asked respondents to state whether they favored a larger role for government in solving the nation's problems or a larger role for business and individuals. According to an analysis by Ruy Teixeira of the Center for American Progress, middle-class voters who owned stock were five percentage points more likely to favor a larger role for government than middle-class voters who don't.

It's pretty obvious where this preference comes from. Of households that invest, 85 percent have less than $250,000 in the market, according to the SIA. The "primary financial goal" of investing for these households is to generate retirement income.

For these investors, reducing the capital gains tax by five or ten percentage points, or generally lowering regulatory costs, would increase the size of their retirement assets by a couple thousand dollars. On the other hand, being defrauded by a company or middleman could wipe out a substantial chunk of their savings.

This asymmetry helps explain, for example, why middle-class investors supported Eliot Spitzer for targeting conflicts of interest among stock analysts. Wealthy people can afford customized stock research. But middle-class investors rely heavily on the investment advice of retail outlets like Merrill Lynch, whose analysts hyped dubious stocks. For middle-class investors, a poorly regulated market creates potentially catastrophic risks.

The White House, however, seems deaf to these risks. And the political fallout could be severe. That's because Republicans are, in a sense, the party of Chris Cox writ large: They're heavily funded by corporate executives, whose agenda they dutifully enact. For years, the GOP struggled to square this agenda with the party's need for middle-class votes. But the rise of the new investor class presented a tantalizing opportunity: If the GOP could convince middle-class stockholders that their economic interests mimicked those of the managerial class it already served, then it could cement its electoral majority without abandoning its pro-business strategy.

One would have thought Republicans would make the handful of concessions necessary to seize that opportunity. The nomination of Chris Cox suggests they're doing nothing of the kind.

NOAM SCHEIBER

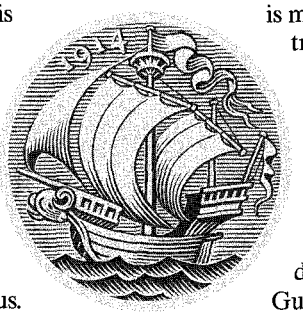
LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Exposed

GIVEN THE GROWING chorus urging the Bush administration to shutter the detention facility at Guantánamo Bay, it's hardly surprising that Vice President Dick Cheney would suggest, as he did at the National Press Club this week, that critics of the camp simply want its approximately 520 inmates to go free "to complete their original mission of trying to kill Americans." But give Cheney credit. Beneath the demagoguery, he made an important point: Guantánamo is little more than the by-product of a need to detain suspected terrorists captured abroad and question them—a need that will endure beyond Gitmo's Camp Delta. "If we didn't have that facility at Guantánamo," Cheney contended, "we'd have to have it someplace else."

It's for that reason that the debate over the conditions under which terrorism suspects are held can't stop with Guantánamo. It has to extend to the entire network of detention and interrogation facilities the United States has created to support the war on terrorism. More than a year after the revelations of Abu Ghraib, we still lack a sufficient understanding of what goes on in the entire system—from Guantánamo to Afghanistan to the secret facilities run by the CIA—and how well it truly serves the war on terrorism. In order to gain that understanding, rather than simply shutting Guantánamo down, Congress and President Bush should appoint an independent commission of Republican and Democratic security experts to investigate the system and suggest how it should operate.

It's true that the Pentagon has conducted numerous reviews of its detention and interrogation policies and practices in Iraq, Afghanistan, and Guantánamo Bay. But important doubts remain about their independence and thoroughness. Consider the March report of Vice Admiral Albert Church on Defense Department interrogations, which found "no link between approved interrogation techniques and detainee abuse." This week, *Time* published excerpts from the interrogation log of would-be September 11 hijacker Mohammed Al Qahtani, whose resistance to questioning prompted Defense Secretary Donald Rumsfeld to expand the list of approved interrogation techniques. That expansion resulted, among other things, in Qahtani being intravenously fed 312 bags of fluid and forced to urinate on himself. With the Pentagon defending his interrogation as taking place under "active supervision and oversight," it's difficult to accept Church's conclusion that official policy was unrelated to Qahtani's clear abuse. Then there's the question of what the abuse gained us. Church refers directly to Qahtani when praising "effective interrogation policy," but *Time*, citing senior Pentagon officials, reports that true breakthroughs came not from stripping Qahtani nude or intimidating him with dogs, but from confronting him with information gleaned from other detainees—in short, traditional intelligence work.



Whatever the problems with the Pentagon's investigations, the CIA hasn't conducted *any* policy reviews. All we know about its detention facilities comes from press reports: In March, *The Washington Post* published an account of a CIA-operated prison near Kabul known as the Salt Pit, where an uncooperative inmate was allowed to freeze to death and was buried in an unmarked grave. The CIA contends that it has had legal authority for all its conduct in the war on terrorism—but the administration won't disclose the sources of that authority. Nor should we expect answers anytime soon. When Democrats on the Senate Intelligence Committee argued that an investigation of CIA practices was warranted, Chairman Pat Roberts denounced them for a "pathological obsession" that would jeopardize ongoing operations.

If that argument sounds familiar, it's because the administration used it for a year to prevent the creation of the 9/11 Commission—the recommendations of which Bush ultimately embraced. And, like the 9/11 Commission, an independent, bipartisan commission on detentions and interrogations is more likely to resolve entrenched dilemmas than exacerbate them. The Pentagon's inquiries, for example, haven't really addressed whether coercive interrogations are even effective. If we don't want increasing domestic discontent over Guantánamo Bay to erode political support for aggressive conduct of the war on terrorism, the administration needs to address these questions right now. The 9/11 Commission proved that an impartial and bipartisan investigation can be a powerful engine of political consensus. As we face the ugly side of an open-ended war on terrorism, that's a consensus worth building. ■

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

NOTEBOOK

WACKO JACKO SAVES NEW DEAL . . . GITMO MAKES A TASTY MEAL

INNOCENT OF ONE CRIME, GUILTY OF ANOTHER

THERE'S NOTHING MORE TIRESOME than liberal grumbling about the Fox News Channel's conservative bias—not because the complaints aren't true, but because the bias is so blindingly obvious, it hardly warrants mentioning. Still, there was something rather remarkable about the sycophancy Fox anchor Neil Cavuto displayed last week during his one-on-one interview with President Bush.

After a cavalcade of softballs on such burning issues as John Kerry's poor grades at Yale and Dick Cheney's own sycophantic observation that Laura Bush would make an excellent presidential candidate, the Fox News anchor suggested a novel theory for Bush's trouble passing Social Security reform. The problem, Cavuto suggested to the president, was none other than Michael Jackson. And how does the Gloved One play into Bush's Social Security woes? Well, here's how Cavuto put it: "I mean, [Jackson's] trial and his ongoing saga has gripped the nation for the past four and a half, five months as you've been on this campaign. . . . I know this is a little outlandish, Mister President. . . . Do you think that the focus on Michael Jackson has hurt you?" Bush, to his credit, could not stifle his laughter, and, after composing himself, he curtly dismissed Cavuto's theory, replying, "I have no idea. I don't spend a lot of time trying to figure out, you know, the viewing patterns of American TV audiences."

Getting laughed at by the president of the United States didn't seem to shake Cavuto's conviction. Soon after his interview with Bush, he went on another Fox show and repeated his idea: "A lot of people think I'm crazy, but the president's [Social Security] push, soon as he began his second term, times almost to the week with the approach of the Michael Jackson trial. And I have a view—and it could be crazy, and the

Michael Jackson

president readily admitted maybe it was—that this fixation on the Michael Jackson trial, even in your show right now, takes away from the attention that maybe the president wanted afforded his program on Social Security." Keep fighting the good fight, Neil! And keep your chin up, too, because there's nothing worse than trying to help someone who doesn't want your help.

IT'S GOOD TO KNOW

A FEW WEEKS AGO, PRESIDENT Bush had some tough demands for Islam Karimov, the brutal leader of Uzbekistan, whose government killed hundreds of protesters in the town of Andijan. Tashkent, Bush asserted, must "honor human rights and protect minority rights." And no way were a few words of assurance from Karimov going to sweep this latest incident under the rug: "We want to know fully what took place there in Uzbekistan."

But, before we could find out what happened in the former Soviet state, it seems the Bush administration started thinking about what we already know. We know Uzbekistan has been an ally in the war on terrorism. We know Karimov has given his support to U.S. operations in Afghanistan. We know he permits the U.S. military use of his nation's Karshi-Khanabad air base. We know he has allowed us to "render" terrorism suspects to his country for what is, no doubt, gentle interrogation. And we know Karimov was rather piqued at the idea of outsiders snooping around in his domestic affairs.

That knowledge, apparently, was more than enough. As *The Washington Post* recently reported, American defense officials recently teamed up with their Russian counterparts to stymie a demand for a NATO investigation of the Uzbek killings. A Pentagon spokesman defended the move as "a simple assertion that a further curtailment of operations would have an impact on the alliance's activities." Now that's good to know.

THE GOP'S LYNCH MOB

REPUBLICANS SAY HOWARD DEAN is intemperate for calling them "pretty much a white, Christian party." (Republican Representative Roy Blunt of Missouri accused Dean of "throw[ing] some of the most below-the-belt political punches in recent memory.") If that's so, then we must assume it is purely coincidental that 18 of 21 senators—and, most notably, every Southern senator—who declined to co-sponsor a resolution "apologizing to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation" turned out to be . . . Republicans (including noted civil rights activist Trent "I'm-proud-my-state-voted-for-segregationist-Strom-Thurmond-for-president" Lott).

But what exactly did the Republi-

DAVID COWLES

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

cans find objectionable about this purely symbolic resolution? We might be tempted to conclude that they look back fondly on the days of lynching. But then *we* would be accused of hate-mongering.

ZAGAT SURVEY: GITMO 2005

IN THE FACE OF GROWING OUTRAGE over the Guantánamo Bay prison, House Armed Services Chairman Duncan Hunter decided to fight back by bringing a serving of food from the Gitmo menu to a news conference and demonstrating its tastiness by taking hearty bites for all to see. The inmates "have never been more comfortable in their lives," Hunter explained.

But what would the consumer survey–based dining guide *Zagat* have to say? Since *Zagat* has yet to release a Guantánamo edition, we decided to produce a *Zagat*-style submission for the guide based on quotes we've heard about the place:

"Culturally acceptable meals" (Brigadier General Jay W. Hood) and "two types of fruit" (Duncan Hunter) are characteristic of what "killers are given every day" (Hunter) at this "professional and humane" (Donald Rumsfeld) establishment with a track record that's, "on the whole, pretty good" (Dick Cheney). Naysayers complain that diners are "locked up for three years, no end in sight" (Patrick Leahy) and call it a "terrible embarrassment" (Jimmy Carter) that may be "the greatest propaganda tool for recruiting terrorists" (Joe Biden). Says one diner: "At one point, I just started hitting the wall of the cage and tried to hang myself" (former inmate Abdurahman Khadr).

DEPARTMENT OF CORRECTIONS

"TAMMANY FALL" BY JOHN B. JUDIS (June 20) incorrectly conflated Patricia Brink, a Justice Department lawyer, with Patricia Brink, Representative Tom DeLay's former press secretary. We regret the error. ■

TNR.commentary

&c.

ROAD RAGE: Now that its nine-year crusade against the Walt Disney Company has failed, anti-gay activists at the Mississippi-based American Family Association (AFA) have decided to take on another venerable consumer icon: the Ford Motor Company.

Last month, AFA called for consumers to boycott Ford. The company's transgressions, according to the group, include running ads in gay publications featuring wholesome images of gay families or scantily clad gay men. Some of those ads are definitely racy. Then again, many ran in Europe, where professed tastes tend to be less puritanical, and they're downright tame compared with the ads featuring heterosexual couples in the pages of any broadly marketed U.S. consumer magazine. In any event, it's unlikely the ads alone would have moved the group to call for a boycott if Ford hadn't also sponsored events like the Motor City Pride Weekend in Detroit, which features commitment ceremonies for gay couples. Indeed, the petition that AFA is circulating on its website is titled "Ford Motor Company Supports Homosexual Marriage Movement."

What are Ford's motives? Although Henry Ford himself was a crusading anti-Semite, in recent years, the company has preached the virtues of diversity—perhaps, some have speculated, to atone for that notorious legacy. But, of course, Ford also has a more pragmatic motive: Targeting gay consumers has been smart business. As an executive from Volvo Cars North America, which Ford owns, recently explained, "For us, it was very natural to address gay families. We're targeting people with modern family values.... 'Family' is much more than the traditional family."

So for now, Ford seems to be holding its ground, issuing a statement that it "values all people—regardless of their race, religion, gender, sexual orientation, and cultural or physical differences." But one reason Disney never gave in to AFA's demands was that the boycott never seriously imperiled its business. Ford, like the rest of the U.S. auto industry, is teetering on the edge of financial calamity. It's apt to take all economic threats more seriously.

But caving in to the AFA would likely carry its own economic cost, too. When Microsoft gave in to demands from conservatives that it drop its endorsement of a gay anti-discrimination bill in the Washington state legislature, gay rights supporters protested—and the company renewed its endorsement after all. Maybe Microsoft rediscovered its conscience; maybe it thought embracing the initiative was better p.r. than opposing it. Either way, the activism by gay rights supporters worked.

And it can work again. The same logic that reinforced Ford's outreach in the first place—the buying power of gay rights supporters—could steady its resolve now. It would also help demonstrate how increasingly outdated AFA's philosophy is.

—Jonathan Cohn

PLANNING BORED: In the June 14 *New York Times*, Jason DeParle writes about the Heritage Foundation's cushy summer internship program for young conservative activists and intellectuals. One sentence in particular stands out: "Katherine Rogers, a junior at Georgetown... is working in donor relations, which she thinks will be useful in her intended career as a pharmaceutical lobbyist."

Yes, you read that correctly. The earnest young right-wing politico dreams not of a job where she learns new things every day, or grapples with ideas, or experiences the satisfaction of helping other people. She dreams of shilling for a self-interested corporation. And forget the political implications. What junior in college dreams of lobbying for the pharmaceutical industry?

This anecdote may appear to confirm the crudest stereotype about conservatives—that they are greedy. But it is also a reminder of something more disturbing: Many contemporary conservatives see no distinction between the interests of big business and conservative ideology. This crony capitalist conservatism, the sort of conservatism practiced by the Bush administration, isn't true economic conservatism. A true economic conservative believes that government should not favor one company over another, or one industry over another, so as not to distort the free market. The pharmaceutical lobbyist, on the other hand, believes the government should favor *her* company or *her* industry regardless of whether it creates inefficiency in the economy as a whole. If this perversion of conservative ideals has taken hold even among the youngest members of the right, then what currently passes for economic conservatism is only going to grow even less intellectually honest in the years to come. On the plus side, though, the pharmaceutical industry should stay healthy.

—Ben Adler

TNR SENIOR EDITOR JONATHAN COHN AND REPORTER-RESEARCHER BEN ADLER ARE GUESTBLOGGING. YOU CAN READ MORE OF THEIR POSTS AT WWW.TNR.COM.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

On the Hill

Wander Bust

BY MICHAEL CROWLEY

Call it Jack Abramoff's revenge. The scandals surrounding the notorious Republican lobbyist and his pal, House Majority Leader Tom DeLay, have battered Capitol Hill. Paranoia is rampant as representatives wonder whether the next shoe will drop—on them. Congress's approval rating has plunged. And now the greatest indignity of all: canceled junkets.

For those who work in Congress, it has become a no-fly season. Thanks to all the attention given to Abramoff's frequent flying of congressmen and their staffs—whether it was golf junkets to Scotland or "fact-finding" missions to the tropical Northern Mariana Islands—the junket police are out in force. By now, any major regional newspaper worth its salt has published an exposé on the local delegation's travels: "JOIN CONGRESS, SEE THE WORLD," guffawed the *Chicago Tribune* last month; "TRAVEL GIFTS TREAT LAWMAKERS," heckled the Portland *Oregonian*; "NY'S 1ST-CLASS JUNKET JUNKIES," taunted the New York *Daily News*.

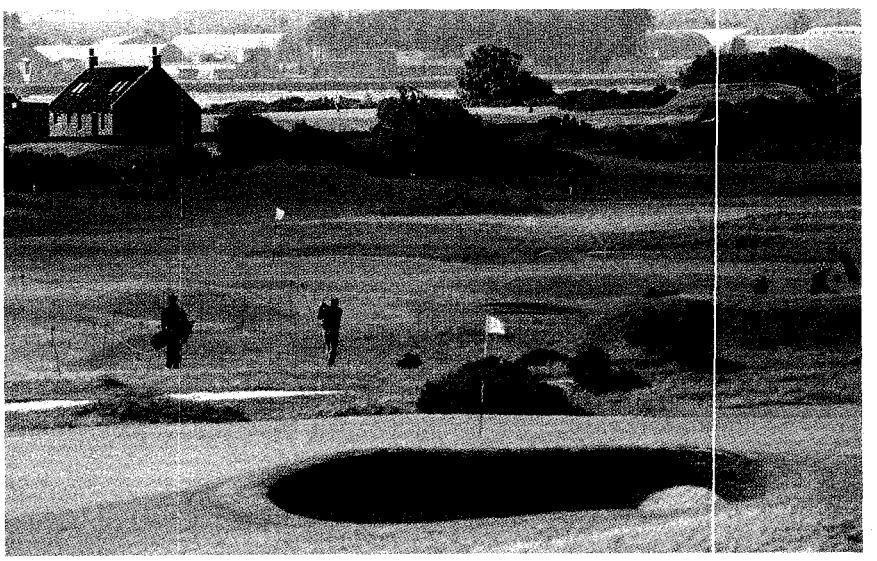
Congressmen and their aides argue that most of their travel is worthy. Better that Representative Smith occasionally take a cushy taxpayer-funded trip, or one funded by a lobbyist, than that he never escape Washington or his rural Kentucky district. "You can't do embassy security, economic security, development oversight without getting out of here," says one Republican committee staffer. Adds a recently departed GOP aide: "You're very isolated when you work on the Hill, and trips are one of the few ways one really learns about what's happening in the real world. I would be involved in negotiations over whether to spend $500 million or $1 billion on a low-income home-heating program, and I never once met a single person who received the funding or who directly distributed it."

But, until AbramoffGate blows over, the free ride, so to speak, has come to a halt. To hard-core junketeers, one devastating blow is the cancelation of the Ripon Educational Fund's annual Trans-Atlantic conference. In the past couple of years, the foundation—established to promote moderate Republicanism (but lately evincing a harder-line ideology)—has jetted members of Congress to such destinations as London and Budapest. These trips do involve weighty policy seminars on topics like economic policy and international relations. But they are also attended by dozens of lobbyists keen on cozying up to captive lawmakers. In today's climate, it would be a miracle if "60 Minutes" didn't crash such a gathering. And so this year's conference, planned for Dublin, has been "postponed." For the 20 or so congressmen who were scheduled to go, a trip to the Maryland shore might have to suffice.

The new regime has been particularly dismaying to congressional staffers. Though their travels aren't nearly as well-documented as those of their more prominent bosses, they can be almost as lavish and frequent. Hill aides are unapologetic, calling travel a deserved reward for the low pay and middling status they endure. "The bar talk is about how we are all dreading the coming end of trips," says one House Democratic legislative director. "The conversation trail usually follows along these lines: 'Hill staffers are *sooo smart* and *sooo talented* that we could be making tens of thousands more in the private sector, and these trips are the only perks that make this job remotely tolerable.' "

Exotic foreign adventures worth thousands of dollars do seem to ease these bouts of self-pity. A senior Republican committee aide recalls a recent trip to Germany this way: "It was fan-fucking-tastic!" A House Democratic committee staffer describes the result of winding up on a recent trip to Mexico on a "fluke": "It turned out to be a fantastic trip. We had lots of downtime, and so I rented a car, went to the beach, participated in Carnival events." In the past few years, various interest groups have sent one lucky mid-level aide—who insists that travel often involves hard work with a legitimate purpose—to China, Taiwan, Hawaii, New York, Seattle, San Francisco, Los Angeles, and New Orleans. "We always stay at the nicest hotels and eat out at super-nice, trendy restaurants," she adds.

Congressional junkets to plush locales, such as Scotland's St. Andrews (below), are on hold in the wake of the Jack Abramoff scandal.



REUTERS/JEFF J. MITCHELL/LANDOV

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The *real* issues of Social Security reform

There is no longer any doubt that Social Security needs to be reformed. The nation's troubled retirement program will begin running a deficit in just 12 years. Overall, the program faces unfunded liabilities of more than $12 trillion. But while the politicians in Washington debate whether this represents a crisis or just a big problem, the Cato Institute believes it is an opportunity to build a new and better retirement program for all Americans.

Ownership

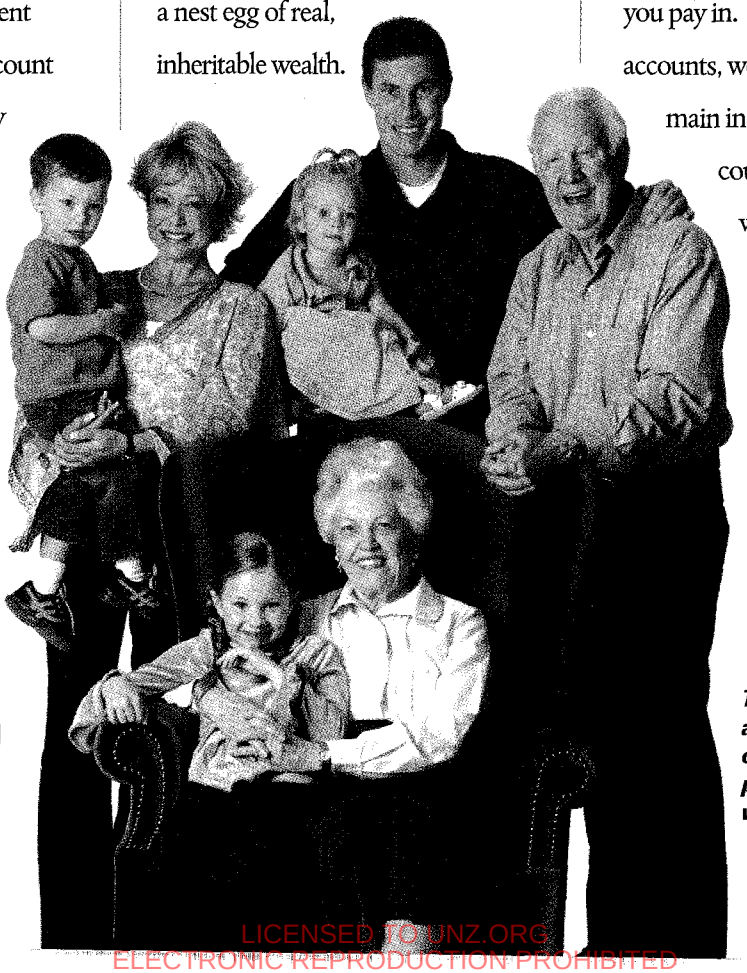
Under the current Social Security system you have no legal, contractual, or property rights to your benefits. What you receive from Social Security is entirely up to the 535 members of Congress. But personal retirement accounts would give you ownership and control over your retirement funds. The money in your account would belong to you—money the politicians could never take away.

Inheritability

Because you don't own your Social Security benefits under the current system, they are not inheritable. Millions of workers are not able to pass anything on to their loved ones. But personal retirement accounts would change that by enabling you to build a nest egg of real, inheritable wealth.

Choice

Choice is part of the essence of America. Yet when it comes to retirement, Congress forces all Americans into a one-size-fits-all, cookie-cutter retirement program, a system that cannot pay the benefits it has promised and under which you have no right to the money you pay in. With personal retirement accounts, workers who wanted to remain in traditional Social Security could do so. But younger workers who wanted a choice to save and invest for their future retirement would have that option.



CATO INSTITUTE

To help publish this ad and promote this message on radio and television, please visit our website: www.socialsecurity.org.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Or, they did. One Senate aide is looking for new July 4 plans after losing a trip to Dubai. Others fear that the ultra-prized annual airport executives' winter conference in Hawaii will be a no-go. By taking trips now, warns an official with one group that recently nixed a major congressional sojourn, "you're putting a big bull's-eye on your back."

IT'S NOT JUST aggressive media probing that has left congressional trips stalled on the tarmac, however—and therein lies a bigger story. The House ethics committee, which often reviews and clears members' proposed travel plans, is in a state of paralysis thanks to a partisan deadlock over the panel's staff. In the House, at least, that's keeping nervous members and aides grounded.

More important, the ethics standoff means that no investigation has yet begun into any Abramoff scandal allegations. The disagreement stems from a broader running battle between the parties over ethics in the House. Soon after the ethics committee issued three rulings last year scolding DeLay—for granting unseemly access to lobbyists, enlisting the Homeland Security Department in a Texas political dispute, and offering to trade a campaign endorsement for a vote on the 2003 Medicare bill—GOP leaders ousted the committee's independent-minded chairman, Joel Hefley, and replaced him with Washington Republican Doc Hastings. So far, Hastings has proved more complicit: Unlike Hefley, for instance, he supported the GOP's attempt to revise House ethics rules earlier this year in order to make it harder for the ethics committee to pursue further allegations against DeLay. (The changes were later reversed.)

Moreover, one of Hastings's first acts was to fire the ethics committee's chief counsel and staff director, John Vargo, who was widely considered fair-minded and nonpartisan. Now Hastings is trying to fill Vargo's old post—a powerful position whose occupant would manage any committee inquiry—with his personal office chief of staff, Ed Cassidy. Yet Democrats insist this would be a violation of committee rules, which stipulate that every ethics committee staffer be "nonpartisan" and "demonstrably qualified for the position for which he is hired." Cassidy is hardly nonpartisan. In addition to being chief of staff to a House Republican, he was an aide to the National Republican Congressional Committee and a spokesman for George H.W. Bush's inaugural committee. Nor is he a lawyer—something Democrats say is intolerable, given the committee's legal sensitivities. "[The committee is] a little law firm down there," says one House Democrat.

Fortunately, in this fight, the Democrats have leverage. Republicans don't even bother disputing that ethics committee rules require a majority vote from the evenly divided panel to appoint new staffers. The rule was written precisely so that one party couldn't force a partisan staff on the other, as the Republicans are trying to do. Since no Democrat will accept Hastings's pick, the committee cannot staff up (several investigator positions are also open) and thus cannot function.

Democrats are frustrated that this latest GOP ethics power play is largely being overlooked. "The press doesn't seem as interested by the staffing dispute as they were by the rules changes," says a House Democratic leadership aide. "We're going to try and keep pushing it." But some Democrats think a better approach is to portray the ethics committee as a hopeless cause. Two of its members, Tom Cole and Lamar Smith, have already recused themselves from any DeLay inquiry because they have donated thousands of dollars to his legal defense fund, and Democrats note that the committee's three remaining Republicans have all taken campaign money from DeLay. (One member, Melissa Hart of Pennsylvania, has accepted $15,000 since 2000. Hastings himself has accepted almost $6,000.) Along with outside watchdog groups, such as Democracy 21, some Democrats believe that any committee investigation into DeLay should employ an outside counsel—although such a move is less dramatic than it sounds. The full committee would still vote on any of the counsel's findings, and many observers feel that Republicans nefariously restricted the work of an outside counsel called in to investigate Newt Gingrich's political activities in the mid-'90s.

So the big questions about political corruption within the Republican leadership will have to wait, perhaps months, to be investigated. And, in the shorter term, congressional travel will have to wait as well. "I was invited to go to Egypt, and that trip was canceled," grouses the Democratic legislative director. For that, he has Jack Abramoff to thank. ■

Taipei Dispatch

Strait Edge

BY CHRISTINE Y. CHEN

ON A SUNNY morning in late April, the leader of Taiwan's Kuomintang (KMT) party, Lien Chan, held a press conference on the tarmac of Taipei's Chiang Kai-Shek International Airport. The opposition party chairman made an innocuous speech about increasing understanding with Beijing, as his former beauty-queen wife, clad in a bright pink suit, stood beaming by his side. Just outside Lien's line of sight, hundreds of pro-independence protesters clashed with his supporters as he prepared to embark on his historic trip to mainland China, the first by a KMT leader since Chiang Kai-shek fled to the island in 1949. "Lien Chan is selling out Taiwan," they cried as eggs flew through the air. "Traitor!" The airwaves were filled with passionate debate that would put "Crossfire" to shame,

Christine Chen is a freelance writer who covers politics, media, and technology.

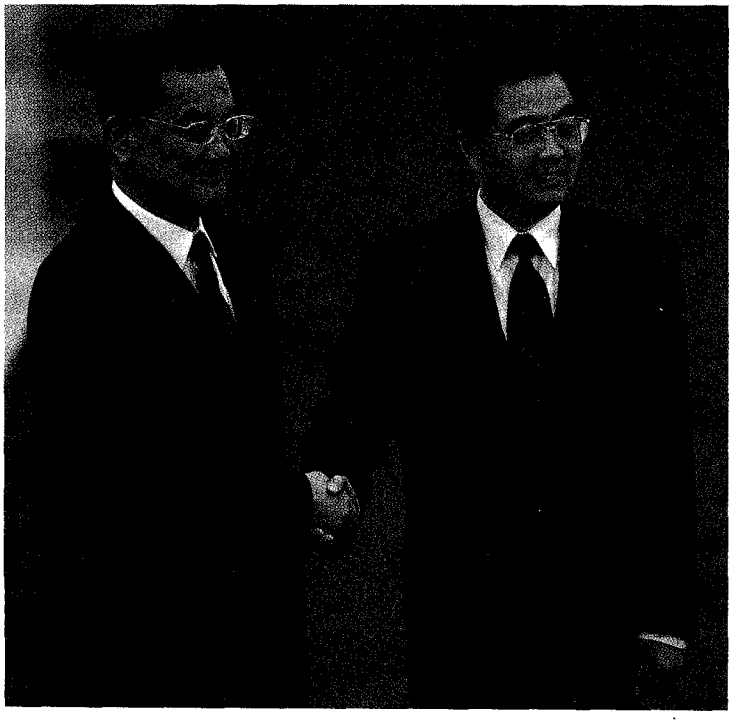
LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and Taipei taxi drivers could talk about nothing other than Lien's upcoming meeting in Beijing with Chinese President Hu Jintao.

Lien returned to Taipei seven days later to a much quieter scene. Instead of raucous demonstrators, 3,000 police in riot gear were on hand at the airport in case things got out of control. The extra security measures and nighttime arrival had their desired effect. Scores of protesters showed up, but Lien managed to slip into a waiting car without incident. Although some skeptical factions claimed that the police presence evoked the days of martial law (which was lifted only in 1987 after nearly 40 years), most Taiwanese—with the exception of talking heads on television—had not quite figured out what to make of Lien's trip.

The contrast between his departure and arrival was illustrative of the volatile politics that surround Taiwan's place in the world—combative and tense one moment, calm and reasoned the next. This spring, increased Chinese military spending and Beijing's newly codified stance toward Taiwan seemingly threatened to topple the delicate balance of power in the region. In March, Robert Kagan warned in *The Washington Post* that "there is nothing at all subtle about Chinese 'diplomacy.' The Chinese are ... flexing their muscles, wielding their increasing economic and military clout to demand greater obedience from their neighbors." Early this month, U.S. Defense Secretary Donald Rumsfeld raised an alarm about Chinese military modernization. Most significantly, this year's annual Pentagon report to Congress on the Chinese military is expected to portray China as a looming threat. But Lien's visit to China and Taiwanese President Chen Shui-bian's measured reaction to it are proof that, contrary to what many in the West assume, the continuation of status quo politics across the Taiwan Strait is possible indefinitely.

The April meeting between Taiwan opposition leader Lien Chan and Chinese President Hu Jintao has helped ease tensions across the Taiwan Strait.



ANDREW WONG/GETTY IMAGES/NEWSCOM

In March, Beijing passed the Anti-Secession Law, claiming the right to use non-peaceful means against Taiwan if the island considers declaring independence. China's move provoked considerable alarm around the world. The United States (which has pledged to protect Taiwan if China ever invades) indicated its displeasure, and the U.S. Congress passed a resolution expressing "grave concern." The European Union delayed its plans to lift its embargo on arms sales to China. Chen called it a "law of aggression," and hundreds of thousands of Taiwanese took to the streets in a massive protest. And, in April, anti-Japan demonstrations broke out across China, further heightening concerns about East Asian stability.

Looking to dampen the international backlash, China figured out how to extend an olive branch without losing face, proving that it still cares about defusing tensions with Taiwan. Hu swiftly invited Lien to visit the mainland, purportedly to talk about enhanced economic cooperation with the island, something Hu can't do directly with Chen, because China views Taiwan as a renegade province and refuses to have any contact that could be perceived as "state to state." The KMT, which likes to bill itself as a bridge-builder between Chen's Democratic Progressive Party and the Chinese Communist Party in Beijing, quickly accepted. "The foreign media like to focus on the idea that Beijing is using the KMT to divide Taiwan, but it goes both ways," says Su Chi, a KMT legislator who accompanied Lien on his trip. "In Beijing's eyes, we're better than the pro-independence movement. And, in Chen's eyes, we're better than the communists. We can play the middle man." On his trip, Lien played this middle-man role with finesse. "He largely abstained from the type of grandstanding we feared when he began the visit," stated *The Asian Wall Street Journal* in a May 4 editorial.

Chen, for his part, had a measured response to Lien's visit, demonstrating that he's not the agitator some once feared. When Chen first took office five years ago, international diplomats considered him a loose cannon, prone to making inflammatory statements about Taiwanese independence in front of the press. But, over time, Chen has mellowed. And, in this case, he was especially careful. Chen expressed annoyance at Lien's trip, but also publicly stated that Lien did not conduct any illegal negotiations while in China, leaving more strident comments to other members of his party. Although Chen has never made it a secret that he is fervently pro-independence, he does not want to be remembered as the Taiwanese president who provoked China into war.

Such conciliatory developments are exactly what

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Washington likes to see. Following Lien's visit to China, President Bush publicly urged Hu to engage directly with Chen. As with all politics surrounding Taiwan, semantics are paramount—exactly what kind of engagement would it be, and under what conditions? Leaders in China and Taiwan have historically been skilled at working out arrangements that are eventually satisfactory to both sides. And the United States has an interest in making sure that happens. China's official military budget is $30 billion for 2005 (less than one-tenth of America's), but some Western analysts think it's actually two or three times that amount. Washington wants to make good on its promise to defend Taiwan, but it also wants more access to growing markets in China. So status quo politics suit the United States well.

Status quo politics make sense for Beijing, too. While there may be more saber-rattling in the next three years, China cannot afford to make any drastic moves, because it will be in the international spotlight through the 2008 Beijing Olympics. Emile Sheng, a political science professor at Taipei's Soochow University, was invited by China to observe Lien's cross-Strait jaunt in person. For him, the biggest surprise of the trip was how flexible Beijing seemed. "The Chinese government allowed me to comment on live TV, broadcast throughout the whole country," Sheng says, pausing for emphasis. "Live! They never let a Taiwanese academic on live TV before."

TAIWAN'S YOUNGER GENERATION may also serve as a powerful check on confrontation with China. Those born in the 1960s and 1970s are too young to remember the violence that enveloped the island following the Chinese civil war, making them less emotional about cross-Strait relations. "I teach at a university, and my students are totally apathetic about politics," says Lo Chih-Cheng, the executive director of the Institute for National Policy Research, a Taipei think tank. "They care more about making money."

And, while a sense of Taiwanese national identity—distinct from China—has intensified in recent years, this identity is more cultural than political. When younger Taiwanese do pay attention to China, it's to poke fun at a mainland culture that seems increasingly anachronistic. While Lien visited Xi'an, his birthplace on the mainland, thousands of schoolchildren greeted him with a singsong chant of "*Lien Ye-ye, nin hui lai le!*" ("Grandpa Lien, you've returned home!"). Almost immediately, postmodern Taiwanese hipsters began mocking the chorus, downloading it from the Internet as ring tones for their cell phones—partly because the schoolchildren were archetypical of a staged Communist stunt, but mostly because it just sounded funny.

While Lien was away on his eight-day tour, Taiwan's "plum rains" began to fall. These brief downpours—which occur when ripe plums are ready to be plucked—bring relief from the early summer heat. Given Lien's success in cooling tempers across the Taiwan Strait, maybe it was fitting that, this year, they arrived a few weeks early. ■

White House Watch

Term Limits

BY RYAN LIZZA

FOR A PRESIDENT who began his second term famously promising to spend political capital, George W. Bush is looking increasingly bankrupt. Everyone knows the scorecard. Social Security reform is in a ditch. John Bolton's nomination is stuck. Democrats have nixed several of the president's judges. And there's little relief on the horizon. The remainder of Bush's legislative agenda is simultaneously difficult to pass and unpopular. The Central American Free Trade Agreement, asbestos legislation, and the energy bill may play well on Wall Street, but no one on Main Street is clamoring for their passage. Even if enacted, along with the new pro–credit card company bankruptcy law and the new restrictions on class-action lawsuits, they would only reinforce the perception that Republicans have done little more this year than successfully reward the corporate wing of their coalition. Adding to Bush's woes, perhaps the single most popular piece of legislation that has any chance of landing on his desk this year is a bill to lift restrictions on stem-cell research. He has promised to veto it.

Accompanying these setbacks, Bush's job approval ratings have dropped into the mid-40s, a sudden loss of confidence that no second-term president has experienced since Richard Nixon. Bill Clinton's approval rating never dropped below 53 percent during his troubled second term—impeachment notwithstanding—and, for most of those years, Clinton enjoyed support in the 60s. Ronald Reagan remained in the 60s through the first two years of his second term and saw Bush-like ratings only after Iran-Contra broke. That Bush's political health is in sharp decline is indisputable. But the causes of this deterioration have been misdiagnosed.

There are several reasons often cited for why Bush has descended from the heights of a reelection in which he increased his vote total by nearly twelve million—and became the first presidential candidate in twelve years to break 50 percent—to become the hobbled figure he is today. For one, traditional divisions in the Republican Party are starting to resurface after years of détente. Through two presidential campaigns, the desire to win back the White House—and then the fear of losing it again—was enough to achieve harmony between social and economic conservatives. These tacit agreements always break down in second terms. Social conservatives argued after the election that they provided Bush's margin of victory, yet Bush's agenda was filled with sops to business. As in the Terri Schiavo and stem-cell cases, Bush will be under constant pressure to throw high-profile bones to social conservatives, and, in so

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

doing, he will risk offending much of the rest of America.

Secondly, with no obvious successor, others point out that Bush's second term is becoming increasingly complicated by the politics of the Republican presidential primaries. About half a dozen Senate Republicans plan on running for president, and any issue Bush pursues may become hostage to their ambitions, just as the nuclear option turned into a test of leadership between Bill Frist and John McCain. With Bush safely elected, even members who aren't gunning for his job feel they have a freer hand. For example, Senator John Thune says he will vote against Bolton—an unthinkable act for a conservative Republican in Bush's first term—while House Republicans recently allowed an embarrassing (for Bush) vote on the stem-cell bill.

Finally, many point out that the unified Democratic opposition to Bush's Social Security plan, as well as the guerrilla campaign against Bush's most polarizing nominees, are bedeviling the administration.

All of these conventional reasons for Bush's troubles are no doubt contributing to the early onset of lame duckitis and the accompanying blizzard of articles describing it. But the most important explanation for Bush's problems is what might be called his bait and switch. Bush campaigned in 2004 on one set of ideas, but he is pursuing a radically different agenda. His program has been inverted. The issues he talked about the most last year, such as terrorism, are off the radar, while those he rarely highlighted are front and center.

Social Security was a peripheral issue in the 2004 campaign, buried in a laundry list of proposals in Bush's speeches. The Bush campaign spent millions of dollars buying commercials, yet somehow never devoted an ad to the issue that Bush now spends the majority of his time talking about. Bush ran on security, not Social Security. In the campaign, Bush presented the choice to voters as a contest over who could be leader of the war on terrorism. The limits of that conceit are now being laid bare. The massive campaign communications apparatus—the commercials, speeches, surrogates, debates, and 24-hour news coverage—that helped build him up as a steady leader in dangerous times has now vanished. Instead, Bush is seen most often on television as a traveling salesman hawking an unpopular idea in jargon-laden phrases. He ran as a slayer of terrorists but now spends all his time explaining progressive indexation.

In other words, Bush's problem is one of expectations—ironically, the political thermostat that he and his team have always been most adept at strategically adjusting. Bush's mistake is (literally) a textbook example of why second terms are often failures. In his influential book *The Personal President: Power Invested, Promise Unfilled*, released just as Ronald Reagan was settling in for his second term, political scientist Theodore Lowi argued that the final years of any modern presidency are doomed to failure. His argument, written in the wake of the disappointing presidencies of Johnson, Nixon, Ford, and Carter, was that the rise of the president as the central figure in U.S. political life had created expectations of what the president could accomplish that are wildly out of sync with the actual powers of the job. The result is a continually frustrated public. He argued that every failure only created more frantic p.r. attempts by the president to be seen as successful, often creating incentives for "adventurism abroad." "As visibility goes up," Lowi once told *The Atlantic*, "so do expectations and vulnerability. There's more of a chance to make really big mistakes. It's a treadmill to oblivion. It's why modern history is filled with so many failed presidencies."

Though they obviously fared better than their one-term predecessors, Lowi's argument proved fairly powerful in describing Reagan's and Clinton's second terms. Reagan's magisterial 49-state victory over Walter Mondale did not seem to predict the bumbling start he had in 1985, which was marked by his inability to budge Congress and the furor over the wreath-laying ceremony at the German cemetery at Bitburg, where 49 S.S. soldiers were buried. In his biography of Reagan, Lou Cannon notes that the disconnect between the Reagan of the uplifting "Morning in America" campaign ("the masterful leader depicted in the reelection propaganda of 1984") and the Reagan back on the job after the election ("[t]he floundering and ill-informed president whom the American people were allowed to glimpse in 1985") was at the root of the president's problems. As Lowi might have predicted, suffering from defeats and desperate to satisfy the public's yearning to bring home the hostages held in Lebanon, Reagan authorized the deal that led to Iran-Contra, the disclosure of which swallowed most of the last two years of his presidency.

The high public expectations that accompanied Clinton's landslide victory also preceded the traditional second-term curse. The year following Clinton's January 1997 second inaugural was marked by fund-raising scandals and the Supreme Court decision affirming Paula Jones's right to sue the president. The fallout from that lawsuit, of course, consumed most of the rest of Clinton's presidency. But there was an odd twist to Lowi's theory in Clinton's second term. The lack of accomplishments on Clinton's watch in the late '90s came to be blamed more on Congress than the president, who spent most of his final term popular even though he was (legislatively) impotent.

To be sure, both Reagan and Clinton had some big successes in their last four years—tax reform and Reykjavik for Reagan, the balanced budget deal and Kosovo for Clinton. (Incidentally, what those rare second-term achievements have in common is that they were broadly popular and achieved with bipartisan support.) But the main point is that the obvious danger zone for any second-term president is the first year after reelection, when transitioning from the peak of victory. That's when it's easiest to notice the divide between how the president campaigned and how he governs. For Bush, the divide has always been wide, but it has never been so obvious. ■

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

How China is changing global diplomacy.

Cultural Revolution

BY JOSHUA KURLANTZICK

AT A MAJOR Asian security conference this month, Secretary of Defense Donald Rumsfeld was typically blunt. Discussing China's military modernization, Rumsfeld said that China's upgrade of its military technology was a threat to countries across Asia. "Since no nation threatens China, one wonders: Why this growing investment?" Rumsfeld asked.

Unfortunately, he is focused on the wrong problem. China is indeed on the verge of posing a major threat to U.S. power and could potentially dominate parts of the developing world. But the real concern is not that China's armed forces will challenge the mighty U.S. military, which soon may spend more on defense than the rest of the world combined.

No, China's rising power is reflected in a different way. In late 2003, Australia hosted back-to-back state visits by two world leaders. The first to head down under was George W. Bush, a staunch ally of Australia, which, along with the United Kingdom, was a major provider of non-U.S. troops for the invasions of Iraq and Afghanistan. On arrival, however, Bush was treated like a boorish distant cousin; his official reception was polite, but barely so. He stayed just 21 hours, and, speaking before the Australian parliament, faced protests outside and inside the chamber, where Green Party senators repeatedly interrupted him with catcalls.

The treatment was far different when Chinese President Hu Jintao arrived for a more extended stay. Though, less than a decade ago, fear of being swamped by Asians was a potent electoral issue in Australia, now Canberra threw open its arms to the Chinese leader. For days, Australia's business and political elite fêted Hu at lavish receptions. And, at China's request, Australian lawmakers barred potential irritants—like Tibetan activists—from parliament, as Hu became the first Asian leader to address the Australian legislature, receiving a 20-minute standing ovation. Perhaps this differing treatment shouldn't have been surprising. Australia's leaders were simply following their people's lead. Recent polls suggest that, despite decades of close American-Australian relations, Australians generally have a more favorable view of China than of the United States.

China has also scored diplomatic successes in Latin America, long thought to be within Washington's sphere of influence. During a highly successful twelve-day Latin America trip, which, like his visit to Australia, coincided with a brief Bush trip to the region that received a cool reception, Hu signed some $30 billion in new investment deals and subtly staked a claim that the United States was failing as the major power in the region. Hu stopped in regional giant Brazil, where President Luiz Inácio Lula da Silva upgraded bilateral trade ties with Beijing and decided to send Brazilian advisers to Beijing to study Chinese economics. During an earlier trip to China, Lula had cooed to Hu: "We want a partnership that integrates our economies and serves as a paradigm for South-South cooperation."

Most important for Beijing, in oil-rich Venezuela, a nation increasingly shunned by the United States—which tacitly condoned a 2002 coup attempt against Venezuelan leader Hugo Chávez—Chinese officials are solidifying an alliance with Caracas while providing Chávez an opportunity to point out Washington's failures in the region. While Chávez talks of slashing oil deliveries to the United States, he promises Beijing a long-term supply of petroleum. "China is a world power. She doesn't come here with imperialist airs," announced the Venezuelan leader, leaving the distinction with another world power unsaid. Chávez also plans to send advisers to Iran to help Tehran funnel *its* oil to Beijing. (Iran has inked deals to supply China with natural gas and to provide the Chinese state oil company, Sinopec, with a stake in one of Iran's biggest oil fields.)

Beijing's inroads with Australia and Latin America, two vastly different regions of the world, signify aspects of the same sea change. For the first time in centuries, China is becoming an international power, a nation with global foreign policy ambitions. In fact, China may become the first nation since the fall of the Soviet Union that could seriously challenge the United States for control of the international system.

AS IT DEVELOPS, China has several key interests in the world. Because of China's booming economy and lack of domestic resources, securing stable supplies of oil, natural gas, and other natural resources—as well as safe passage for these resources—is of primary interest to Beijing. Second, as China's leading companies continue to grow and improve the quality of their products, Beijing clearly needs access to foreign markets. Less obviously, but no less significantly, China seeks to demonstrate that it is an international power, worthy of the same respect as the United States and capable of projecting enough power to limit U.S. intentions in Asia and other parts of the developing world. And, perhaps most important, Beijing wants to bring its own socioeconomic

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Canada Trumps USA:
Approves Cannabis-Based Medicine

On April 19, 2005, the Canadian government gave conditional approval to prescription sale of a medicine made from extracts of marijuana plants ingested as an oral spray.

While the US blocked privately-funded research, a British pharmaceutical company developed a cannabis extract spray that supplements existing non-smoking delivery systems such as vaporization.

The risks versus the benefits of alternative methods need to be established. But the US government is obstructing the science[1] because it fears the results will demonstrate an acceptable risk/benefit ratio even for smoked marijuana.

This research would be welcomed by the 14,600,000[2] Americans who currently use marijuana socially or medically.

It is time our officials take off their "drug war" blinders and recognize marijuana for what it is: a natural, relatively benign substance that can help bring relief to millions.

Common Sense for Drug Policy
www.CommonSenseDrugPolicy.org www.DrugWarFacts.org
www.AddictInTheFamily.org
Mike Gray, Chair; Robert Field, Co-Chair

1. For additional information, please visit www.maps.org/mmj/mmjfacility.html
2. 2003 www.drugabusestatistics.samhsa.gov/nhsda/2k3nsduh/2k3ResultsW.pdf Page 11

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and political models to other developing countries, just as the United States historically has been committed to—at least rhetorically—the spread of democracy.

Beijing is pursuing these interests through a two-pronged strategy. On the one hand, China appears to be building a string of alliances across the globe with nations shunned by the United States—nations like Venezuela, Iran, Sudan, Burma, and Zimbabwe. At the same time, China appears to be wooing non-rogue developing nations—both democracies like Brazil and stable pseudo-authoritarian states like Malaysia. Beijing does so by championing a vision of international relations centered on national sovereignty—one that contrasts sharply with recent U.S. doctrine, by leveraging China's economic successes to win over foreign leaders and by using Chinese soft power to win hearts and minds even in places like Australia, once considered firm American allies.

China's rise may have significant positive effects. As China takes on a larger role in the world, it may come to assume a large role in peacekeeping, global aid disbursements, and other responsibilities currently handled by the United States and other wealthy nations. China even contributed funding to elections in Iraq. Because it straddles both the rich and the poor world, China could also help mediate between developed and developing countries at institutions like the World Trade Organization (WTO).

Yet China's more prominent international footprint is likely to threaten U.S. interests seriously. Beijing's quest for natural resources will thrust it into competition with the United States, particularly in crucial regions like West Africa and the Middle East. China's emergence as a growing power could threaten America's role as the primary guarantor of stability in Asia. Its increasing access to international markets could damage U.S. corporations, especially if Chinese businesses were subsidized by Beijing through soft loans that would allow them to operate unprofitably, at least for a time, and squeeze competitors' margins. And China's power could damage one of the most important U.S. interests of all: the spread of democracy, which will ultimately enable us to win the war on terrorism. Despite stumbles in Uzbekistan, Saudi Arabia, and other places where the White House continues to choose stability or cooperation on counterterrorism over liberalization, the United States remains the major force for democratization in the world.

THOUGH HAWKS HAVE been warning of a "China threat" for over a decade, they usually focus on China's military capabilities, not its diplomatic skills. The view elaborated in Rumsfeld's speech will likely be reflected in an upcoming Defense Department report on China's military intentions, programs, and strategies. Hawks have pushed to make the report as dire as possible, portraying China as a military threat that has sized up the weaknesses of the U.S. Armed Forces. Similarly, a recent *Atlantic Monthly* piece by Robert Kaplan forecasts a military showdown with Beijing. Yet, while China probably has the world's third-largest military budget, in most respects, Beijing badly lags the U.S. military. The Chinese military still relies too heavily on conscripts and wastes time and resources forcing troops to study political doctrine. Beijing probably spends less than $80 billion per year on its military, according to a RAND study, in contrast to over $400 billion that the White House requested for the Pentagon's fiscal year 2006 budget. (China's defense spending as a percentage of GDP is also smaller than that of the United States.) In fact, a 2003 report on the Chinese military by the Council on Foreign Relations concluded that Beijing was at least two decades from closing the gap on the United States.

In reality, an insecure Beijing, weakened by 150 years of foreign incursions into China, historically pursued a relatively nonaggressive foreign policy, focusing on defending core interests but rarely seeking influence over issues outside its borders and usually abstaining from important debates at the United Nations. In launching China's reforms in the late '70s, Deng Xiaoping pushed the country to develop its domestic economic and social resources, and not to focus on foreign affairs. In fact, Deng often explicitly warned China not to be a world leader—at least not for now—and, during Deng's time, China remained a poor, inward-looking nation.

That has begun to change. In May alone, China ran a trade surplus of almost $9 billion, and it sits atop the second-largest pile of currency reserves on earth. High growth—combined with intensive inculcation of nationalism via the Chinese press and education system—has created a self-confident populace more insistent that China play a major role in the international system, as University of Colorado Sinologist Peter Hays Gries notes in his book, *China's New Nationalism*. And, though this nationalism sometimes lies dormant beneath the surface of Chinese society, it can explode with little warning, as with the anti-Japan protests this spring—when I witnessed Beijingers, who normally brag about their Sony DVD players, scrambling over each other to try to smash up the Japanese embassy.

Meanwhile, two decades of development have also sharply raised the education level of Chinese leaders and diplomats. As former *Time* foreign editor Joshua Cooper Ramo notes in a fascinating new essay called "The Beijing Consensus," "In 1982 only 20 percent of China's provincial leaders had attended college. In 2002, this number was 98 percent." The Chinese government has made a concerted effort to upgrade its diplomatic corps, boosting their language fluency and other important skills. As a result, today Chinese leaders and diplomats are savvier and more knowledgeable about the outside than the men of Deng's generation. As one former American diplomat in China told me, Chinese officials can now describe in detail the splits within the U.S. neoconservative movement, a grasp of nuance sorely lacking in Beijing just ten years ago.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Richer, more worldly, more confident, China's mandarins have begun to reassess their place in the world. As Ramo writes, China is pursuing a deliberate policy to bolster its role in the international system and project its development model abroad. It is enunciating a new foreign policy doctrine, just as a young United States once did. The China doctrine has several components. One is the idea of "peaceful rise"—that China is growing into a preeminent power but would never use its strength unilaterally to threaten other countries, supposedly a sharp distinction from U.S. policy. Second is the notion that China has created a model of socioeconomic development that can be applied elsewhere—what Ramo calls the "Beijing consensus" of development for poor nations. This model argues that developing nations must pursue innovation-led growth by obtaining the latest technology; must control development from the top, so as to avoid the kind of chaos that comes from rapid economic opening; and must rely on links with other developing nations to counter the economic advantages of Western states. In controlling development from the top, of course, the Beijing model implicitly rejects both the free market and the idea that ordinary citizens, not a small elite of rulers, should control countries' destinies.

China then wields its policy doctrine, along with other weapons like trade and aid, to draw developing nations to its side. Beijing focuses in part on countries like Iran and Sudan, which are shunned by the United States, but it also aims closer to Washington's heart, seeking, if not to win over U.S. allies, then at least to complicate their loyalties by emphasizing that gains for developing nations come at the expense of arrogant Western powers. Playing off Western powers works: As prominent Indian economist Jayanta Roy said after visiting China, "I was happy to see that there is a hope for a developing country to outstrip the giants in a reasonably short period of time."

THE CHINESE CHALLENGE is most obvious in three areas of the world: Asia, Latin America, and Africa. Asia is China's natural sphere of influence and the one with the largest number of ethnic Chinese living outside China's borders. Asia is also the area in which China has made up the most ground on the United States. At first, China concentrated on Asian nations alienated from Washington. Since 1997, the United States has enforced severe sanctions against Burma's dictatorship. China has unsurprisingly paid the sanctions no mind. Instead, Beijing has sold Burma's military junta over $1 billion in military equipment. In return, Chinese businesses have gained access to Burma's valuable natural resources, while Chinese diplomats have become almost the only foreigners with insight into the workings of the secretive Burmese government. Today, wealthy Chinese businesspeople cruise the streets of Rangoon, Burma's impoverished capital, in late-model Mitsubishi jeeps, gabbing on ultra-pricey cell phones.

In Laos, until recently blocked by Congress from enjoying normal trade relations with the United States, China has become one of its largest trade partners. In Cambodia, where Prime Minister Hun Sen's poor human rights record—including alleged involvement in a grenade attack that maimed an American citizen—has led to frosty relations with Washington, China has given Phnom Penh at least $200 million in loans. Likewise, after the recent Uzbekistan crackdown on demonstrators, China quickly welcomed Uzbek autocrat Islam Karimov to Beijing. Across the Pacific Ocean, meanwhile, China has become a major aid donor to countries like Fiji—countries that could be crucial to U.S. military basing and missile defenses but that Washington has essentially ignored.

But, in the past five years, Beijing has also honed in on countries with close relationships with the United States, nations like South Korea, Thailand, and Mongolia. Again, understanding that leveraging Beijing's policy doctrine is crucial, Chinese diplomats repeatedly contrast China's "peaceful rise"—and its supposedly nonthreatening posture—with an aggressive, unilateralist United States. "We Asian countries" must work more closely together, at this time of "new manifestations of power politics," Chinese Premier Wen Jiabao told Southeast Asian leaders at a 2003 summit, using typical Chinese coded language to refer to the United States. What's more, Chinese diplomats emphasize that China does not prod foreign nations to pursue political reform or market-driven economic liberalization. This reassurance is popular among Asian nations—such as Cambodia or Thailand—that have poor human rights records, that resent U.S. criticism of their domestic affairs, and that have a history of centralized economic planning, which makes China's Beijing consensus economic model appealing.

The response to Beijing has been overwhelming. As Southeast Asia scholar Carlyle Thayer has reported, China has inked long-term bilateral cooperation agreements with Indonesia, the Philippines, and Singapore. The Philippines, a former U.S. colony, has, for the first time, accepted military aid from China. At the same time, while progress on several prospective trade pacts between the United States and Thailand have stalled, trade between China and Southeast Asia is growing by nearly 20 percent per year, and ten Southeast Asian nations have agreed to join a free-trade zone with China. China's trade with the rest of Asia is also expanding. Even India, which has a long-standing border dispute with China, has established new trade ties with Beijing.

Asian leaders increasingly look to China for economic and political cues as well. Though, less than a decade ago, Beijing maintained icy relations with Jakarta—strained by periodic attacks on Indonesia's ethnic Chinese—today, Indonesia's president publicly praises China's emergence as a leader in Asia. Singapore's senior minister, Goh Chok Tong, has expressed similar sentiments, saying, "China's extraordinary development sets the example for other Asian coun-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tries to follow." Ramo has reported that Vietnam, which fought a border war with China only 25 years ago, is now studying China's economic models for clues to faster development. In South Korea, President Roh Mun-Hyun has led Seoul toward Beijing's orbit, looking to China for help handling North Korea. In Thailand, which, during the cold war, was probably America's staunchest ally in Southeast Asia, Prime Minister Thaksin Shinawatra has said that China and India are now the "most important countries for Thailand's diplomacy." Meanwhile, Central Asian nations have formed a regional security group with China, the Shanghai Cooperation Organization—an organization in which China takes the lead, pushing the group to focus on issues of concern to Beijing, such as the restive ethnic minority Uighur population in western China.

As they look to China, Asian leaders are increasingly willing to do Beijing's bidding. Nations from Nepal to Singapore have restricted the activities of Tibetan and Falun Gong activists. Presumably at China's insistence, Malaysia's deputy prime minister publicly warned Malaysian politicians to avoid official visits to Taiwan, while Thailand tried to deny a visa to a top Taiwanese labor official.

Average Asians, too, look to China, which is building up its soft power in the region. In one poll, three-quarters of Thais said they considered China Thailand's closest friend, while less than 10 percent picked the United States. Asian businesspeople covet invites to the Boao Forum for Asia, a conference about Asia's future held on a Chinese resort island to which Beijing invites thousands of business and political leaders. Asian students increasingly seek out education in China, rather than the United States, and Chinese-language schools are gaining popularity in South Korea, Malaysia, and other countries. Meanwhile, ethnic Chinese living outside the Chinese mainland, once afraid to showcase their heritage for fear of being singled out as a wealthy minority, have become increasingly outspoken about their roots. In part, they are more comfortable with their heritage, because China has begun actively promoting Chinese culture through new cultural centers and TV stations. (By contrast, the United States has cut back on its cultural centers in Asia, many of which used to be affiliated with the United States Information Service.) "It looks like being Chinese is cool," publisher Kitti Jinsiriwanich told *The Wall Street Journal*, explaining his decision to produce a glossy magazine about ethnic Chinese life in Bangkok and why advertisers were lapping up his copy.

In Africa and Latin America, where post-independence economic models imposed by Western international financial organizations have failed to raise living standards, China's ideas, its companies, and its emphasis on a multipolar international system are also increasingly welcome. Beijing has signed trade deals with 40 African states. In many resource-rich African countries—including pariah nations like Sudan, where Beijing covets Sudanese oil—China has dramatically bolstered its diplomatic and economic presence, as Stéphanie Giry has reported in these pages ("Out of Beijing," November 15, 2004). In Zimbabwe, Beijing has become a major provider of military hardware, including fighter jets. "Suffering under the effects of international isolation, Zimbabwe has looked to new partners, including China, who won't attach conditions [to aid]," one Western diplomat told *The Christian Science Monitor*.

Hu's 2004 trip to Latin America highlighted China's growing power there as well, even as the Bush administration neglects the region. As Ramo notes, China's enormous consumption of natural resources, such as steel, oil, and copper, makes it an essential ally and trading partner of nearly any nation in Latin America and Africa. Indeed, not only did Hu sign $30 billion in new investment deals during his Latin trip, but China has become Brazil's second-biggest trading partner. By comparison, during his 2004 Latin America swing, Bush spent little time anywhere other than Colombia and Chile (and almost got in a fistfight in the latter). Furthermore, the American president has failed to persuade Latin nations to back his proposed Free Trade Area of the Americas pact, one of the White House's main goals for the Western Hemisphere.

As in Asia, China's education system and culture—components of its soft power—have become attractive to African and Latin American elites. Beijing has developed a proposal to bring over 10,000 African professionals to China for human resources development. And, as in Asia, key African and Latin leaders, awed by China's economic success, praise Beijing's foreign policy doctrine and development model. "China is doing a wonderful job," Muyingo Steuem, a Ugandan government adviser dazzled by China's big cities, told *The Financial Times* during last year's World Bank conference on poverty alleviation, held in bustling Shanghai. "In developing countries, China is regarded with a mixture of envy, admiration, and awe," U.N. Development Program chief Mark Malloch Brown told the *FT* during the same conference.

In some respects, China's new foreign policy assertiveness is only natural, and it could benefit the developing world. Until 150 years ago, China was one of the world's most powerful nations, and Beijing is, in many respects, regaining the position in foreign affairs and global trade it enjoyed for centuries. As China engages more with the developing world, it is beginning to project its power for the good of others. It has been expanding its participation in U.N. peacekeeping operations. Beijing has also started playing a larger, more positive role in global trade talks and could help to bridge the gap between richer nations and the developing world on tough issues like agricultural subsidies; China has also lived up to its WTO commitments, in some cases more so than the United States. After the Asian tsunami, China offered significant aid disbursements to affected nations (though Beijing's pledge of roughly $85 million in initial government aid was dwarfed by the U.S. offer).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

China also has become more of a player on the U.N. Security Council, a role it traditionally abdicated—Beijing has backed antiterrorism resolutions and avoided blocking the U.S.-led war in Iraq. As China becomes more powerful, it may take on a more beneficent role at Turtle Bay.

But, despite significant political opening over the past two decades, China remains a highly authoritarian state, one in which individuals who try to form national political organizations are suppressed. In recent months, the government has launched a new strike against dissent, detaining prominent intellectuals, upping its crackdown against the Uighurs and other ethnic minorities, increasing press censorship, and bolstering its Internet firewalling. China also canceled an international human rights conference due to be held in Beijing and arrested a Hong Kong–based journalist for the Singapore *Straits Times* and a Chinese researcher for *The New York Times*. Today, China has the largest number of journalists in jail of any country.

This is hardly an ideal political model for developing nations—following the Chinese model might forestall democratization. Indeed, African, Asian, and Latin American democrats certainly can take no comfort in their leaders moving closer to Beijing, since China places no priority on human rights in its decisions about its allies. Beijing's aid and trade prop up the brutal Burmese and Sudanese regimes, allowing them to ignore Western sanctions, and Beijing reportedly has helped prevent the U.N. Security Council from taking tougher action against genocide in the Sudanese region of Darfur.

What's more, China's talk of noninterference may be just that—talk. As the University of Colorado's Hays Gries writes, China historically has practiced a politics defined by the term *biao li bu yi*—"surface and reality differ." After all, Chinese academics at government-linked think tanks say that, ultimately, China will surpass the United States in Asia and control the region. Some foreign leaders recognize that China's kinder face abroad may mask a desire to increase Chinese power across the developing world. A classified report by the Philippine armed forces captures the difference between Beijing's statements and actions. It notes: "China's actions are widely viewed as a doubled-edge[d] diplomatic strategy aimed at furthering its strategic goals in the region."

Unfortunately, though some nations may resent China's growing power, too often they resent the United States more. The United States has all but abdicated its presence in parts of the developing world, and Washington seems unprepared for China's emergence as a more aggressive foreign policy actor. Washington lacks enough diplomats who truly understand China's foreign policy intentions and how it executes its ambitions on the ground. *Foreign Affairs* editor James Hoge has noted that the workforce at the U.S. Embassy in Beijing is half the size of the one assigned to the new embassy in Baghdad.

At the same time that China's influence has grown, the U.S. means of leverage—aid allocations, trade deals, academic ties, popular culture—are weakening, undermined by everything from new restrictions on student visas to the prisoner abuse scandals at Guantánamo Bay and Abu Ghraib. Worse, when dealing with longtime allies like Thailand, Washington too often talks about little other than terrorism. Asians find the American "obsession" with terrorism tedious, Karim Raslan, a prominent Malaysian writer, told *The New York Times*. "We've all got to live. We've all got to make money," he said. "The Chinese want to make money, and so do we."

Savvy American officials are beginning to understand how China is switching from a defensive to an offensive foreign policy. During an important visit to Southeast Asia earlier this year, new Deputy Secretary of State Robert Zoellick, a former trade negotiator, tried to recapture lost ground. He emphasized not only counterterrorism cooperation but also economic ties, aid disbursements, and other issues of importance to Asian nations. The mild-mannered Zoellick was a hit. "The Zoellick road show was an important signal from Washington that Southeast Asia was not being ignored by the world's No. 1 superpower," enthused the Singapore *Straits Times*.

Meanwhile, administration hawks—who concentrated on China early in Bush's first term—are beginning to refocus their attention on Beijing. Even as Rumsfeld talks about China's military power, other hawks are trying to more effectively leverage key foreign allies against China. They are doing so by drawing important nations more tightly under the U.S. security umbrella. Washington appears to have convinced Tokyo to move closer to the U.S. position on Taiwan—as reflected in a joint statement issued in February—and the Bush administration is reaching out to India, with Rumsfeld calling for closer ties with New Delhi.

But these are only initial steps. Is Washington up to the task of reorienting foreign policy to handle a competitor like the cold war–era Soviet Union, one with a defined foreign policy doctrine and allies across the globe?

Too often, official Washington, whether focused on China's military or awed by China's booming economy, simply disregards the gravity of China's changing foreign policy. During a private luncheon last year for the American ambassador to Thailand, one person asked about recent unrest in southern Thailand, where the United States closed its consulate a decade ago—and where the region has become a potential hotbed of Islamic extremism. The ambassador mentioned that the United States was still trying to exert influence in the south and had reopened a program in southern Thailand, a small "American corner" where Thais could read English-language books to learn about the United States. What happened to the U.S. consulate, asked someone else in the audience. The ambassador paused. "I think it's the Chinese consulate now," he said. Everyone in the room laughed. ■

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

BOOKS & THE ARTS

STANLEY KAUFFMANN ON FILMS

Fights and Rights

FIRST IT WAS A RACEHORSE, now it's a boxer. Two years ago we learned how a sports event, Seabiscuit's triumph, inspired Americans swamped in the Depression. Here is another sports inspiration of that day, **CINDERELLA MAN**, the story of James J. Braddock, an ex-boxer who became a boxer again—in fact, world heavyweight champion—after a scrape along the bottom. Seabiscuit, like many racehorses, seemed to have a sense of climax. Braddock knew what he was doing. It was for himself and his family, of course, but he couldn't have been unaware of the example he was setting in that glum and empty time.

CINDERELLA MAN
(Universal)

HUMAN RIGHTS WATCH INTERNATIONAL FILM FESTIVAL

Cinderella Man has the advantage and the burden of a film based on fact. All along, the drama is buttressed by our knowledge that—more rather than less—it really happened, which gives the drama even more vim. But it also has to bear the burden of that knowledge. For instance, before each fight begins, we know how it will turn out. Yes, that is also true of (say) World War II films, but war bestows a sanctity on the account not available to the boxing ring.

Ron Howard was well equipped to direct this tonic tale. Through a career as a child and adolescent actor and subsequent directing experience, he knows a good deal about making a film function as an octopus for audience feelings. But that inside view has slightly blinkered him about the outside view: he doesn't always sense when the audience is aware of movieness. For instance, in the scenes in Braddock's dingy home, where he lives with his wife and three children, we know that whenever Ma and Pa have a loving connubial kiss, one of the kids will watch and be warmed.

The film, written by Cliff Hollingsworth and Akiva Goldsman, begins in 1928, when Braddock, a husky chap from Jersey, is on the way up as a boxer. An accident to his hand and some other bad luck derail him in 1930. He is soon reduced to hustling for day work on the Weehawken docks and goes on government relief. A Hooverville—a village of shacks contrived by homeless men—figures in the story. Braddock is even reduced to panhandling with cap in hand among his fight-world friends. At last the loyalty of his former manager gets him back into the ring, and he quasi miraculously moves ahead as a heavyweight contender who deserves a fight with the champion, Max Baer, in 1935. I remember reading about it at the time, and—cross my heart—I thought it would make a good movie.

Well, I was more excited by boxing then than now. People who don't want to see close-ups of faces being smashed will share my difficulty with this film. But once again we must admire an actor who can perform a boxer at the same time that he is throwing the punches and so forth in which he has been meticulously rehearsed. There is a long line of film stars who have done it, among them James Cagney (*City for Conquest*), Kirk Douglas (*Champion*), and Robert De Niro (*Raging Bull*), now joined by Russell Crowe as Braddock. De Niro and Crowe had even tougher jobs because they played actual fighters and presumably had to reproduce the fights as they actually happened, blow by blow.

Crowe is, in his unique way, astonishing. Even at his biggest moments he seems both convincing and somewhat reticent, as if he wants to provide the truth as long he happens to be up there on screen but isn't glorying in the opportunity. This binary texture carries through a considerable range of Crowe roles, such as the scientist in *The Insider*, the mental case in *A Beautiful Mind*, the robustious hero in *Gladiator*. I always feel that I'm intruding a bit when I look at him, but I'm always glad of the chance.

Quite the opposite is true of Renée Zellweger, who plays Mrs. B. She presents a series of expressions that she seems to have practiced in front of a mirror to make sure they are winsome or winning. Braddock's manager and friend is Paul Giamatti, who, as in *Sideways*, is gifted enough to make us feel that acting is a kind of afterthought: first comes the verity of the man in question.

A word on faces. We see a lot of them, often in close-up—men in the fight game, spectators at the fights, men in bars listening to radio broadcasts of the fights. The choice of faces was, one could say, European, as if the casting agent were Daumier. Those faces create, willy-nilly, the idea that boxing participants and fans are a species in themselves, aloof and somewhat contemptuous of the rest of us.

THE HUMAN RIGHTS WATCH INTERNATIONAL FILM FESTIVAL is here again—the sixteenth such—and praise be. This year it includes twenty-six films and videos from twenty countries, and besides its prime purpose—to report on the condition of human rights—it is once again an affirmation of the importance of film itself for those concerned with the matter.

I've seen four of the features in the new festival. *Omagh*, written by Guy Hibbert and Paul Greengrass, directed by Pete Travis, is about the Northern Ireland town of that name where Catholics and Protestants had been living fairly peacefully through the years of the Troubles until a bomb exploded in 1998, killing thirty-one people. The explosion presumably was a move by the Provisional IRA to wreck progress toward peace (a maneuver we recognize from the Middle East). In this re-enacted picture—it's hard to call it fiction—a group of townsfolk, Catholic and Protestant, press for justice from leaders on both sides (including Gerry Adams, who is played by an actor). The matter is not yet settled:

continued on page 27

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

TNR/ON

The New Republic's Symposium on Public Policy

SPECIAL ADVERTISING SECTION ■ SPONSORED BY THE PEOPLE OF SAUDI ARABIA

THE FUTURE OF OIL PRICES AND THE GLOBAL ECONOMY

Refine more oil? Drive less? Facing the issues at the dawn of a potential crisis

On May 26, 2005, a panel of oil industry experts was assembled by *The New Republic* to debate and discuss the global impact of skyrocketing oil prices. Panelists talked about a potential increase in oil production by Saudi Arabia and what the United States can do to counteract the brewing crisis of high prices — which could be pushed even higher now that China and India are competing to take the lead in oil consumption. The following is an edited transcript:

JEREMY KAHN: Everyone saw [on May 25 that] the Dow's fall was blamed on surging oil prices, and everyone's wondering if we're going to see $60-a-barrel oil in the near future, and people are worried about what the impact on this is going to be as we come into the summer. [Let's start] with Paul Portney, who is president of Resources for the Future, an independent nonpartisan research and educational organization specializing in natural resources and the environment. Paul?

PAUL PORTNEY: Can the economy tolerate high oil prices for much longer? I suppose the simple answer to that is yes — oil plays a smaller role in the economy than it did 20 or 25 years ago. And so if the question is, could we continue the way we're going now, the answer is yes, but there are a lot of things we could tolerate that we would rather do without and, of course, higher oil prices [is] one of those things.

THE PANEL

PAUL PORTNEY
President,
Resources For The Future

YASSER ELGUINDI
Director,
Oil and Energy Division,
Medley Global Advisors

NAWAF OBAID
Managing Director,
Saudi National Security
Assessment Project

NATHANIEL R. KERN
President,
Foreign Reports Inc.

MODERATED BY

JEREMY KAHN
Managing Editor,
The New Republic

I think the question of energy use in the United States is one of the pre-eminent policy issues to which the country has to pay attention. I'm concerned about the amount of petroleum that we consume for four reasons. First of all, the amount of oil that we use has a considerable impact on greenhouse gas emissions in the United States — carbon dioxide, of course, which is a global-warming gas.

Higher oil prices obviously have an effect on the economy. Every time oil prices spike up, the stock market and my retirement portfolio spikes down, and so I pay rather close attention to this. Higher oil prices do have a macroeconomic impact here in the United States, and you've all seen the comparison between higher oil prices and the tax. The difference, of course, is that the revenues from this tax go to other countries rather than the United States government.

I'm also concerned about the price of oil because we use a lot of it, and when one looks at the ever-burgeoning trade deficit in the United States — $600 billion-plus this year, [and] conceivably much larger in future years — I think oil accounts for [approximately] one-third of the trade deficit. As that deficit gets bigger and bigger, the prospect of it beginning to put upward pressure on interest rates grows.

And finally, I'm concerned about the amount of petroleum we use and our level of imports because a deliberate or terrorist-related supply disruption could have much more serious macroeconomic consequences for the short and intermediate terms than prolonged higher oil prices will have in the long term.

If we're concerned about the overall level of petroleum use in the United States and imports, there are several things we could do. One would be a carbon tax that would fall not only on gasoline or crude oil, but also on natural gas and coal — coal being even higher in carbon content than gasoline or crude oil. One advantage of such an approach would be that the revenues from this tax would reduce the level of gasoline consumption, reduce our dependence on imported oil, reduce greenhouse gas emissions in the United States and help with both the trade and the budget deficits. Anytime you've got a potential policy tool that has as many attractive features as that, I think you have to look at it.

We also could cap carbon emissions in the United States and have a cap-and-trade program that would push up the price of gasoline and other carbon-based fuels, [although] it wouldn't necessarily produce the kinds of revenues that a carbon tax might. And as a final regulatory alternative, we could increase the fuel economy standards in the United States.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

MODERATOR: [Next] we have Nawaf Obaid, a Saudi national security and intelligence consultant based in Riyadh, Saudi Arabia. Nawaf?

NAWAF OBAID: A lot has been discussed in the press recently about [Saudi Arabia's role in the oil issue]. Is it Saudi Arabia's fault that the oil prices are where they are today? Can Saudi Arabia do more? [Is it] not doing more? Is it some kind of a conspiracy? [That's] the usual material that's discussed in the U.S. press.

The first thing that is very clear is that the kingdom is doing all it can. The initial perception here in the [United States] was that Saudi Arabia would ultimately be able to bring down the [price of oil] by $20 [per barrel] and be the ultimate guarantor of prices. [But] there also are other factors affecting the market that are well beyond the limit and the capabilities of what the kingdom can do in order to bring down the prices. And obviously one of the main issues is the problem of refining capacity here in the [United States]. This is clearly something that is completely out of Saudi Arabia's domain. Yet it is a major impediment [to] bringing down the prices of crude [oil].

There are two books that have been published in the last two weeks claiming two very interesting theories. One is that Saudi Arabia is lying about its oil reserves and doesn't have the hydrocarbons to sustain the oil market, and the other book [claims] that Saudi Arabia does have the hydrocarbons but has put nuclear weapons on its oil installations to make sure they are destroyed in case an unknown foreign power invades [the country]. So what we're dealing with here is a lot of innuendos, a lot of inaccuracies.

In general, we could expect Saudi capacity to be anywhere between 12 [million] [and] 12.5 million [barrels of oil per day] by 2009 and to sustain it there. And depending on the circumstances in the oil market, we could hope that there would be an increase after that. [If] the budgets are available and if the situation in the market prevails, Saudi Arabia will increase its production. But the major theme to conclude is that the kingdom is doing all it can to increase its production capabilities and maintain an equitable market.

MODERATOR: Now we'll go to [Nathaniel] Kern, president of Foreign Reports Inc., a firm that provides political reporting and analysis for the oil industry.

NATHANIEL KERN: We talk about oil prices a lot and we watch them bounce around — the process of price formation is quite complex. If anyone really understood it, they could probably make a fortune. But just on the theory of keep-it-simple, so far this year [oil] prices peaked at $58 [per barrel] in early April, and they slid until [May 25] to under $50.

Probably the single dominant factor affecting prices during the past three or four months has been U.S. crude inventory levels. These crude oil inventory levels generally rise in the United States once the heating season is over and before the driving season begins. What's happened this year to help bring prices down from the early

Paul Portney:

"I THINK THE QUESTION OF ENERGY USE IN THE UNITED STATES IS ONE OF THE PRE-EMINENT POLICY ISSUES TO WHICH THE COUNTRY HAS TO PAY ATTENTION."

April peak is very significant inventory builds. We went from up to as high as 334 million barrels [the week of May 16] — that's far and above five-year averages or anything that's normal. What happens every Wednesday at 10:30 [a.m.] is the [U.S.] Energy Information [Administration] publishes its oil statistics, and those include the crude oil stocks and other stocks. There's an immediate price impact. For example, [on May 25] at 10:30 [a.m.] they reported the first decline in inventory levels in 13 weeks, I believe, and within seconds the price started to move up — up $1.30 for the day. But that's really been the pattern that's tended to bring prices down — the steady build in inventory levels, far and above the normal range.

The reason we've been able to build inventories is we've been increasing our imports of crude oil. The reason we've been able to increase our imports of crude oil is that [the Organization of the Petroleum Exporting Countries] has been producing flat out. The reason OPEC has been producing flat out is essentially a reflection of a change in policy from Saudi Arabia. On March 14, the Saudi oil minister announced that henceforth his country would disregard inventory levels in making its production decisions and, in fact, the kingdom wanted to fatten up inventories during the normally low-demand second quarter. That was three days before an OPEC meeting held in Isfahan, [Iran], and once he made that announcement he was coming into the OPEC meeting with the support of the Kuwaitis and other Gulf countries, and the decision was made essentially to ignore quotas and that everyone [should] produce as close to capacity as they could.

A number of other OPEC countries didn't like the idea; they wanted to see prices go up and up and up. But the Saudis basically gave them no choice — either they could lose market share or they could produce at maximum. And that's where we are now with OPEC. That's what's helped bring prices down from the levels they were in early April.

MODERATOR: Now we have Yasser Elguindi, director of [Medley Global Advisors'] oil and energy division, with a focus on oil policy.

YASSER ELGUINDI: First and foremost, I think we have to look at exactly what's driving crude [oil] today because there have been a lot of comparisons to previous oil price shocks and how they are going to impact the economy. The difference today, obviously, is that this is primarily a demand-driven bull run in prices. In the fourth quarter of this year, the total final demand is expected to be [approximately] 87 million barrels a day, which is 8 million barrels a day higher than in 2001. That's a huge growth, considering we've only grown 5 million barrels a day in the five years before 2001. And I think you need to think about that for a minute, in terms of trying to put into perspective whether it's Saudi Arabia [or] the entire global energy infrastructure trying to play catch-up to this new paradigm. I don't think this is a bubble. I think we are not running out of oil, but we're just going to have to pay a lot more to get it going forward.

Because it's a demand-driven bull run, the responsiveness of the industry has a bit

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of a lag — it's a very slow process. People underestimate the technical difficulties in trying to bring production on-stream and managing expectations going forward. And so I think what we've seen over the last two years is that the industry has been playing catch-up, and that's why we're at these price levels. When you have 84 million barrels [of oil] a day of supply and 84 million barrels a day of demand, that's a pretty tight market with zero margin for error. When you mix [in] a little bit of geopolitical risk — [whether it's] Iraq, Venezuela [or] Nigeria — that tends to [make] traders a little bit jittery. So that's why we have the huge volatility in prices, and that's unlikely to go away anytime soon.

The difference between the '70s and today is that you have a [U.S. Federal Reserve System that] is much better able to handle inflation expectations; much better able to manage an economy that, quite frankly, tends to get a bum rap in terms of the impact of oil on [the] economy. I don't think the impact on the economy is as great as is suggested. We are much better able to handle higher prices because of lower intensity in the economy in the use of oil, but also because of higher disposable income by the consumers. I think it's more of a psychological effect than any kind of tangible, real impact.

MODERATOR: [Has] the world reached its peak in [oil] production?

PORTNEY: I don't think it's as important a question as it's made out to be. The Stone Age didn't end because we ran out of stones, and the Oil Age won't end because we'll run out of oil. It will get expensive enough because of the balance between supply and demand that we will invest in less-petroleum-intensive technologies [that] eventually [will] substitute for petroleum. So it's not a matter of waking up one morning and finding all of a sudden there's no petroleum in the ground. I think we will stop using as much petroleum as we do now at a time when there will still be billions and billions of reserves still left in the ground. So in a sense, I'm not so interested in that problem. I think that's kind of the wrong way to pose it because it suggests a crisis mentality that I think is not constructive in thinking about this.

KERN: It's all price-dependent. In these prices, all sorts of things come into play, whether it's the Athabasca Tar Sands [in Canada or] the use of carbon dioxide to extract more oil from the United States. At that $50 price [per barrel of oil], an awful lot is possible.

MODERATOR: On the demand side, one of the things I think all the panelists were emphasizing was tremendous demand from both China and India. I'm curious why people got this so wrong and why people didn't see this demand spike coming. Do you think we have gotten better [at predicting demand] as a result of this?

ELGUINDI: I think, especially with regard to China, there are two fundamental reasons why everyone got it wrong, and let's face

Yasser Elguindi:
"SOMETIMES I WONDER IF THE CHINESE GOVERNMENT REALLY KNOWS EXACTLY FROM A STATISTICAL STANDPOINT HOW MUCH THEY'RE CONSUMING AND HOW THEY'RE ABLE TO PLAN FOR THAT GOING FORWARD."

facts here, everyone did get it wrong. First and foremost is because there is a transparency issue in China. Sometimes I wonder if the Chinese government really knows exactly from a statistical standpoint how much they're consuming and how they're able to plan for that going forward. So the numbers we get out of China, I think it's a black hole. No one really knows what to do with it and everybody tries to create these cute little anecdotes to try to figure out exactly what's happening there. That's the first problem.

The second problem is, if you were to look at the price of oil say, from 1999, it would be a relatively straight curve going up higher except for obviously one incident in 2001. I think two events really tended to cloud people's judgment about what was happening from both the global oil demand standpoint, but specifically in China. One was obviously 9/11, when demand took a hit in the United States [and] elsewhere for a variety of reasons, and then the second issue was the SARS scare that you also had in late '01 and '02. Those two things tended to cloud people's judgment.

PORTNEY: I think it's interesting that we sort of missed [the] rapid demand growth in China. I think one of the things that could conceivably take a lot of steam out of the oil market would be a big economic slowdown in China. I remember reading books that were written at the end of the 1980s and into the start of the 1990s describing an emerging Asian superpower that we should emulate and that will dominate the world economically, and possibly even militarily, in the 21st century — except it wasn't China that was being described, it was Japan. And that economy is in the doldrums now. And it's conceivable to me that we may now be overestimating China's future economic growth and the effects that that economic growth will have on world oil demand.

MODERATOR: Is the United States doing enough to encourage new refinery capacity?

OBAID: Well, no. Actually, it's not so much that the administration doesn't want to do anything; [rather], it actually can't with all the laws. First you have the economics of it, then you have the environmental laws, then you have the legislative laws, so it becomes impossible for them [to encourage new refinery capacity].

I was just at a conference where the CEO of the largest independent refiner in the [United States said his company has] no plans to build any new refineries here because it would just cost them so much money and it would take such a long time. So the idea would be to build huge refineries in Saudi Arabia — expand the existing ones and go to the major markets abroad and build big ones there, especially in China.

KERN: What's been happening over the past 20 years in the U.S. refining industry is we've shut down a bunch of small, inefficient refineries, but existing refineries have been adding capacity — it's called "capacity creep." CITGO [Petroleum Corp.] just added 140,000 barrels [of oil] a day of capacity. It cost them $200 million and they did it in 16

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

months. There's a lot of that going on, and that's where you [should] look, rather than imagining we're going to build new grassroots refineries, which we probably are not.

PORTNEY: Even if the United States produced all of the 20 million barrels a day of petroleum that [it] currently consumes, it would be priced at world-market prices. It's not as if we produced it all here, we would sell it to ourselves for less than you could sell it in world markets. The discussion [of] "if only we were self-sufficient in oil, we wouldn't have the economic costs associated with it" is baloney. There would be some advantage to the oil being produced domestically, because presumably those [petroleum] dollars would be recycled more in the United States than they are now, although it's certainly the case that countries that currently sell us petroleum [already] return some of that money to us.

(Moderator turns to the audience for questions)

QUESTION: There has been some talk about OPEC and Saudi Arabia and all that [it has] done to be the world's insurer of stable prices. There has been some concern that with inventories building as quickly as we've seen them that OPEC could re-examine its strategy of letting inventories build ahead of the fourth quarter. Any thoughts or projections on what OPEC might be thinking right now and what they might do?

OBAID: I don't know specifically what OPEC has in mind, but it's my understanding that there is not talk of production cuts from the Saudis or the other Gulf countries — they've all independently given guarantees to the [United States] and other major consuming nations that they want to do all they can to bring down the price of oil.

QUESTION: By 2025 [the United States is] supposed to add about 45 million barrels of demand. That's what the industrialized countries currently consume. I don't know how we're going to do this. The national oil companies hold [approximately] 77 percent of proven world reserves for oil. For gas, Russia, Qatar [and] Iran hold the majority of reserves. How [is the United States] going to be able to compete for these reserves? Do you [believe] it's still going to be a fungible market, or do you [believe] resource factionalism will play a greater role than it has in the past, given where demand is going?

KERN: The [U.S. Energy Information Administration] will be coming out with a new international outlook next month that will, for the first time, include a price case that suggests [a] net demand in 2025 for Saudi crude of between 10 [million] and 12 [million barrels of oil per day] — in other words, roughly what [it's] producing now.

I'm not sure what the total demand number for the world is going to be, but it certainly would not add 45 million barrels. Why not just assume that prices are about where they are and [are] going to stay, and then see where that ends up? That may be demand that the Saudis think is a little too low, which would then encourage them to be more aggressive from the supply side. But I think you really have to plug in some realistic price assumptions before you leap to conclusions about adding 45 million barrels to world demand.

Nathaniel Kern:
"PROBABLY THE SINGLE DOMINANT FACTOR AFFECTING PRICES DURING THE PAST THREE OR FOUR MONTHS HAS BEEN U.S. CRUDE INVENTORY LEVELS."

QUESTION: Given the complexity of Congress and U.S. legislation, what kind of a number — maybe $60 [per barrel] is a nice low number — would it take to really shake the United States politically to the point that [oil] would get expensive enough that [the United States] would actually take some significant action in a new direction as far as [other] energy choices?

PORTNEY: I'm not wise enough, or perhaps more importantly, foolish enough, to give you a particular price. It's no surprise to any of you to hear me say that in the United States, in any area of policy, whether it's national security or oil or agricultural policy or anything else, we seem congenitally unable to respond to anything ess than a huge short-term price spike or some other kind of emergency followed by angry consumers marching to Washington, [D.C.]. [It's] maybe out of a concern about the deficit, either the budget or a trade deficit, that you might see some action on oil consumption in the United States.

QUESTION: Saudi Arabia is going to invest $30 billion in its downstream projects — how are they going to fund this? Who is Saudi Arabia talking to about being [possible] investors? Also, Saudi Arabia has been in talks with the company that's trying to build a grassroots refinery in Arizona. How seriously interested do you [believe] Saudi Arabia is in this project?

OBAID: All of the upstream projects will be funded exclusively from [Saudi] Aramco budgets. As for the downstream, they'll come in the form of mostly joint ventures with American, European and, now more increasingly, Asian countries. It hasn't been determined where those refineries will be, but some of them will be in Saudi Arabia — expect one or two at least to be in Saudi Arabia and the others to be in the major markets, be them in China, South Korea or even possibly [the United States], but there hasn't been any major talks about joining up with a local company [in the United States].

KERN: I think it's the Arizona people who say they're talking to the Saudis. I find it inconceivable that the Saudis would have any interest whatsoever in that project.

MODERATOR: I want to thank everyone for coming today.

To view the complete transcript from the event online go to:
http://tnr.com/panel/tnr_on.mhtml

SPONSORED BY
THE PEOPLE OF SAUDI ARABIA
Allies Against Terrorism
www.saudiembassy.net

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the inquiry still goes on, which, one supposes, is the reason that this competent film was made.

Justiça, by Maria Ramos, is a well-composed documentary about Brazilian law, police procedures, and prison life. Set in Rio de Janeiro—when a prisoner says he lives in a slum district, it is treated just as an address—the film presents injustice worn smooth by years of practice. And it, too, ends with a denunciation, this time of faulty law and of corruption. *Midwinter Night's Dream*, directed by Goral Paskalević, who wrote it with Filip David, is a fiction film set in Serbia in the winter of 2004. Lazar, who has been away from home for ten years (we learn why), comes back after his mother is dead to find that the apartment is occupied by a single mother and her impaired young daughter. The film that evolves is somewhat carpentered, but it succeeds in its intent: to show some aftereffects of the war in the former Yugoslavia. *Living Rights* is a group of documentary shorts by Duco Tellegen, a Dutchman. The first, set in Japan, is about a boy with a disorder related to autism who, after difficulties, is transferred to a special school where he has a chance to work toward normalcy. The next is set in Africa, amid the Masai, and is about a fourteen-year-old girl who runs away so that her father can't trade her off in marriage for some cows. The third is about a girl and her foster mother who live in the vicinity of Chernobyl, and it reminds us that the accident is over only for those who don't live there.

This year, after its New York engagement in June, the festival will travel to some forty cities in the United States and Canada, among them Boston, Chicago, Portland, San Francisco, and Toronto. To judge by the four pictures I have seen, those who attend will see high-grade film-making in the service of anger and compassion. The term "human rights" has acquired a certain poignancy these days, but it's salutary even to feel poignant on the subject. ■

Robert Brustein on Theater

Odious Comparisons

IT'S TONY TIME AGAIN, AN ANNUAL rite that shamelessly incites mobs of ticket-buyers to storm the Broadway box office as if it were the Bastille. This year's function happens to be the fifty-ninth iteration of these ceremonies, and the only thing more predictable than the antics on the stage is what seems like my forty-ninth attempt to poke fun at them. But who could resist taking potshots at such an incongruous theatrical event? As not a few of the "Please welcome" presenters and "I can't believe it" winners ruefully admitted, competition in the theater arts contradicts their essential nature, which is collective and collaborative. Rating artists turns them into products, and makes awards ceremonies a reflection not of culture but of a market economy.

THE FIFTY-NINTH ANNUAL TONY AWARDS

What do *The Pillowman* and *Doubt* have in common, other than that they are both written by playwrights of Irish descent? How do you compare an ingratiating musical about spelling contests with a musical satire about the quest for the Holy Grail, except to say that each is concerned with the pursuit of glittering prizes? How can Cherry Jones's skillful impersonation of a remorseless interrogating nun in *Doubt* be compared with Kathleen Turner's braying housewife in *Who's Afraid of Virginia Woolf?*, apart from the fact that both actresses are playing strong-willed women steamrollering defenseless males (one of whom, Bill Irwin, took home some compensation in the form of a Best Actor award)? Perhaps if a Broadway season produced two versions of the same play and alternated different actors in the same role (like the twin Hamlets of John Gielgud and Leslie Howard in the 1930s), there might be some small basis for comparisons. But to weigh the relative merits of four candidates in a variety of categories, some even from the same play, is to establish a game-show competition in a medium usually defined by its ensemble spirit.

Yet—and here is something you might not guess from my customary moralizing—this year's Tonys actually turned out to be relatively inoffensive. It's not just because they avoided controversy, although they certainly did. Not a single mention of the Iraq war. No reference to Abu Ghraib or Guantánamo. Not one firebrand like Michael Moore to expose the evils of Halliburton, or Richard Gere to rhapsodize about the Dalai Lama. I'm not saying that award ceremonies are an appropriate place for political statements. But the reverberating silence on the stage of Radio City Music Hall about the war or the economy or the Bush regime echoed the silence about these subjects on the stages of Broadway. Apart from the concern in *Doubt* (a production that originated Off-Broadway) with sexual abuse in the clergy, none of the nominated plays or musicals had a thing to do with what is happening in the world today.

No, these ceremonies were inoffensive for a different reason. Since a lot of Hollywood and television and rap personalities were already appearing on Broadway this season, there was less need to import extraneous media celebrities in order to boost the Nielsen ratings (which, at 6.5 million viewers, remained pretty dismal anyway). Stars from other media seem to be keeping Broadway alive these days, and their return to the theater is a cause for gratitude and celebration. But most of the celebrities schlepped in for an occasion like this probably think a play is something that takes place in Dodger Stadium or the American Airlines Theatre is where you buy a plane ticket to Beverly Hills.

As a matter of fact, quite a number of shows produced this year had blood ties to Hollywood. *Spamalot*, of course, was a musicalized version of *Monty Python and the Holy Grail*; *The Light in the Piazza* took off from a similarly titled 1962 movie weeper; *La Cage aux Folles* started as a Broadway play, then became a Hollywood movie, then returned to Broadway as a musical comedy; *Dirty Rotten Scoundrels* is yet another musical version of a movie; *Who's Afraid of Virginia Woolf?*, *A Streetcar Named Desire*, and *The Glass Menagerie* all began life as Broadway plays before becoming Hollywood movies, and have this year been resurrected as Broadway stage revivals; *Glengarry Glen Ross* had a similar

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

trajectory. You get the (motion) picture. The typical Broadway hit is usually recycled through so many media that about the only venues it skips are the evening news and *The O'Reilly Factor*. Clearly, risk-averse Broadway is highly vulnerable to originality, which is no doubt why *Doubt* and *The Pillowman* (both of which started elsewhere) have done so much to color the blushing face of the Great White Way.

Another reason why the Tony ceremony was more appealing than usual this year was the very engaging masters of ceremonies. Billy Crystal, who used to be the best thing about the Academy Awards, is back on Broadway in *Billy Crystal: 700 Sundays* (which won a Tony for Best One-Person Show). This gave him a pretext to share the presenter duties with Hugh Jackman. Crystal was among a number of actors unembarrassed to express their pleasure in the "live feeling of an audience." Indeed, Crystal's rapport with a live audience has made *700 Sundays* the highest-grossing non-musical show in Broadway history. Clearly exulting over his liberation from celluloid, he was back in fine stand-up comedy mode, wisecracking about Deep Throat ("I thought he was Harvey Fierstein") and about how *Twelve Angry Men* had turned into *Thirteen Angry Men* ("if you count John Simon").

The real MC of the evening, though, was once again the Australian charmer Hugh Jackman. Without his Wolverine side-whiskers and murderous claws, Jackman displays considerable boyish elegance and grace, not to mention the enviable capacity to wear a tuxedo that, like his personality, seems as fresh and uncreased at the end of a hot lengthy evening as at the beginning. He brings a real sense of health, sweetness, and good nature to a profession not exactly famous for its innocence.

Still, most of the winners and presenters generally managed to avoid the extravagances of previous years. When Jeff Goldblum found himself reading lines from a teleprompter about some show that "rocks the consciousness of the nation and the world," he winced visibly and tugged at his ear. Other awardees were convincingly surprised or modest. The most gracious of them was Doug Hughes, gentle, self-effacing, cultivated, the very antithesis of show business. Hughes accepted the Best Direction award for *Doubt* by saluting his parents, those fine actors Bernard Hughes and Helen Stenborg, and saying it might be a willed act of "genetic revenge for the son of actors to become a director." At a time when the theater seems to be languishing, it was heartening to see someone genuinely devoted to the profession and "overjoyed to have a place in it."

But show business, as usual, remained the real focus of the evening, particularly the musicals. All four nominees were represented by production numbers extravagantly staged with their original sets and costumes. (Al Sharpton, looking slightly confused, was inducted into the selection from *The 25th Annual Putnam County Spelling Bee*.) To announce Best Featured Actress in a Musical, Leslie Uggams emerged with James Earl Jones, nominated for Best Actor in *On Golden Pond*, though more familiar to the television audience as the booming voice of Darth Vader and Verizon. That award went to the "incomparable" Sara Ramirez in *Spamalot*, who spent most of her time on camera adjusting the top of her unruly gown.

The evening's climax, of course, was reserved for the musicals. Matthew Broderick, clearly embarrassed at finding directors in competition ("one of them just a teeny bit better than the others"), awarded the Tony to Mike Nichols. Nichols consoled the losers by pretending he had never expected to get it anyway, despite his seventeen nominations and eight previous awards. He quipped, "Cheer up, life isn't everything"—a useful reminder that life, like award ceremonies, isn't fair. It was a sentiment underlined by the fact that the current revival of *Glengarry Glen Ross* was David Mamet's first Tony (for Best Revival), though it was his fortieth New York production.

The ceremony also appropriately honored Edward Albee, looking like a retired English subaltern reliving the Battle of Balaclava, for lifetime achievement. And I was happy to see the resident theater movement mentioned, if only briefly, in the same hasty context as the winning designers, with a Tony going to Dominique Serrand and his galvanic Théâtre de la Jeune Lune in Minneapolis. Needless to say, the non-profit theater, which like Off-Broadway does not qualify for Tony awards, supplies most of what passes these days for "serious" Broadway material.

One of the most touching moments of the evening was when Laura Linney read off the names of the distinguished theater people who in the past year made what Tennessee Williams once called "the long parade to the graveyard"--among them Arthur Miller, Marlon Brando, Ossie Davis, Oona White, Peter Zeisler, Hildy Parks, Ben Mordecai, Mel Gussow, and

With Flowers and Curtain

Like lilies you imagine in the vestibule of Hell,
these tall nameless flowers in front of the library

are straight talkers, blazing their rhetoric of *stare* and
go away, huge scarlet vowels setting minds on fire

with thoughts of furnace sex: to be just burned up
and no release. Is there no way to close your eyes

to such feral, fiery erections, shut out the sight and
not panic? The very air is soaked, though you woke

dry as bone and watched the curtain dancing, its
bulge and bellying and sudden intakes making

a waist, a hip, a full flank on the go and opening,
though it's only the wind itself getting wind of things,

leading its shaky life in any pliable, light, near-
alive object. But what body language it has: no

loop repeated, no gesture wasted, every shiver
melting into a next quickening shudder, the next

astonished full stop. Pause, then the garbage truck
is grinding the early hour into a hash of crashes, a

clamour of metal and glass and recyclable plastic.
Wrenched awake by the din of it, you think how

by the darkened library the flowers are burning
to a stalk, while the curtain, you see, is still dancing.

EAMON GRENNAN

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Fred Ebb. This eulogy was enhanced by a rousing rendition of "Razzle Dazzle" from the Kander-Ebb *Chicago*. There was also a brief salute to Stephen Sondheim's seventy-fifth birthday in the performance of "Somewhere" from *West Side Story*, a song played several times that evening, including during the TIAA-CREF commercials, though it was actually composed by Leonard Bernstein (Sondheim wrote the lyrics).

The ceremony concluded—abruptly, in order to keep within CBS's prescribed two-hour time limit—with its biggest awards: Best Actress in a Musical (Victoria Clarke, *The Light in the Piazza*); Best Actor in a Musical (Norbert Leo Butz, *Dirty Rotten Scoundrels*); and Best Musical (*Spamalot*, which the next day added $2 million to its box-office take). Eric Idle, who used to satirize this sort of thing, showed up on stage in a sterling silver jacket apparently made out of melted spoons, while an army of producers collected around the mike to share the honors. Before being hustled off stage by a musical cue, one of them remarked: "Thank you to the Broadway industry who we love. We're all very neurotic but we love you all." It was a fitting tribute to a neurotic, if not always lovable, industry. ■

Thomas Nagel
The Need for Nations

LAW WITHOUT NATIONS? WHY CONSTITUTIONAL GOVERNMENT REQUIRES SOVEREIGN STATES
By Jeremy A. Rabkin
(Princeton University Press, 350 pp., $29.95)

JEREMY A. RABKIN'S BOOK IS A forceful defense of the virtues of national sovereignty, and of the claim that American constitutional government places strict limits on the reach and authority of international law. In part, Rabkin is responding to critics of the unilateralism of the Bush administration—its rejection of the Kyoto Treaty, its refusal to join the International Criminal Court, its invasion of Iraq without explicit U.N. Security Council authorization; but the interest of his book is much broader than that. It takes up one of the most important questions we face about the direction of the world, and it compares the merits of the internationalist answer to that question embodied in the ideals of the European Union, and the more nationalist answer represented by the conduct of the United States and (according to Rabkin) by its entire historical and constitutional tradition.

The sovereign nation-state has existed for only a few centuries, and some people think it is on its way out, but it has proved an exceptionally effective and conceptually transparent human creation. As the Dutch legal theorist Grotius explained in the seventeenth century, a sovereign power is one that has legal authority over a domain but is not subject to any higher human authority. And legal authority means, in this context, the authority to make law and to enforce it, by virtue of an actual monopoly of coercive power together with the general acceptance, by those governed, of the sovereign's exclusive right to employ it.

The consent of the governed may be given for many reasons, ranging from reverence or fear to the desire for security, freedom, and the pursuit of happiness, and it may be given to sovereigns of many forms, from monarchies and theocracies to democratic republics. In our case it attaches itself to a specific form of constitutional government. The liberal justification for sovereign power is still, in our own day, a form of social contract. We accept the authority and the coercive power of a procedurally constrained and substantively limited system of collective control because it is the best way for a large population to live together in peace, to prosper, and to further common interests and values, while retaining substantial freedom as individ-

Thomas Nagel is the author, most recently, of CONCEALMENT AND EXPOSURE AND OTHER ESSAYS *and, with Liam Murphy,* THE MYTH OF OWNERSHIP: TAXES AND JUSTICE *(Oxford University Press).*

Al Franken. All American.
Sundance Channel & Air America Radio present
AL THE SHOW FRANKEN
EVERY WEEKNIGHT. CHECK LOCAL LISTINGS.
sundance
CHANNEL
AVAILABLE ON DIGITAL CABLE
AND SATELLITE EVERYWHERE.
FROM THE STUDIOS OF AIR AMERICA RADIO IN NEW YORK CITY

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

uals to pursue the many values that they do not share.

Constitutional sovereignty requires a national population whose interests and values are sufficiently compatible to permit common allegiance to a single legal authority for the settlement of their inevitable conflicts over what the rules should be to which everyone is subjected. This is a precious resource, difficult to achieve. It depends, as we know, on historical contingencies of various kinds. Rabkin believes that for the nations that are fortunate enough to have it, constitutional sovereign authority puts a natural upper bound on the sources of law. We cannot find its equivalent, he argues, at the international level, where there is not—and there cannot be—a comparable social contract.

THIS DOES NOT MEAN THERE can be no international law; but international law has to be very different from the law of a sovereign state. It must be agreed on and enforced by the separate sovereign powers themselves, and it will therefore be much more limited in its capacity to settle conflicts among them. Where a common rule will serve all their interests, as with rules governing trade, or the treatment of prisoners of war, independent sovereign states can enter into agreements that are enforceable by retaliation. The reason to abide by them is that if one state defects, others can do the same, and everyone, including the initial defector, will lose. By contrast, says Rabkin,

> A sovereign state imposes law in a quite different way. It does not need anything like unanimous or general agreement—among its own citizens—before it proclaims its own law. And for most purposes, the state is the enforcer, not the citizens.... A sovereign has the right to make and enforce law and the citizens are obliged to obey, even if they dislike the law and even if they do not approve the way the law is implemented or enforced against others.

And Rabkin adds: "If international law could be enforced on dissenters, in the manner of domestic law, then the dissenting states would no longer be sovereign. Not many states (or their peoples) would consent to yield up their independence in this way to outside powers."

This makes it clear why there is no prospect of a world state. But it also leaves us with a further question: how much international law is it desirable and possible for a world of separate sovereign states to create, without creating a world state? For the reasons that Rabkin gives, it would have to be law whose enforcement was left in the hands of existing nation-states, even though its content was determined by some procedure whose authority they were all prepared to accept, presumably with the authorization of their citizens.

THIS IS WHERE OPINIONS DIverge. Rabkin believes that even in areas of undeniably common interest, such as protecting the environment or preserving peace, international conflicts of interest and of fundamental values are generally too great to permit the creation of such a procedure. Treaties, rather than anything resembling legislation, must remain the primary sources of international law. But why can't a treaty itself delegate authority to an international decision-making body, voluntarily diminishing the sovereign authority of its national parties without creating a super-sovereign?

This is what seems to have happened with the formation of the European Union. The EU is neither a true federation, with final sovereign power over the member states, nor a traditional treaty, with the members retaining their full sovereignty. The states have delegated some of their legal authority to its administrative and legal institutions, but enforcement rests in their own hands, and any state is free to withdraw from the Union.

Rabkin gives the EU a good deal of attention, because he thinks that it is a very bad model for world governance on a broader scale, and that it expresses the failure of European political opinion to appreciate the liberal conditions of legitimacy, which require that legal authority not float free of political accountability.

> Perhaps the European Union has found a stable and constitutionally acceptable formula for imposing supranational law. There is, in fact, much reason to doubt that it will prove stable and it certainly does not conform to American ideas of constitutional government. But in any case, the European Union remains a very special sort of international institution. The international community at large has very little capacity to impose its will on individual states with the same reliability as the bureaucrats of Brussels.

If the EU succeeds, it will be because the attachment of Europeans to common interests and values is strong enough to contain the conflicts of interest that will inevitably remain—and without the benefit of a centralized monopoly of force. If it fails, and remains essentially a free-trade zone, it will be because of popular unwillingness to share sovereignty with two dozen other nations—a sentiment manifest in the recent French and Dutch rejections of the EU constitution.

ON A GLOBAL SCALE, THE consensus required to sustain a legal system of this type is out of the question. There is only one area where the recognized strength of common interest has come reliably to outweigh the divisive effects of conflicts of interest: the promotion of free trade. Since economic interests are so powerful, the World Trade Organization has the potential to sustain a form of global governance that will limit the sovereignty of states. As Rabkin observes, "Unlike other international institutions, the WTO can condemn an American statute and get the United States government to change it." The reason is that, although its provisions are treaties entered into by unanimous agreement of the parties, their interpretation and application are not left to the discretion of the parties but are assigned to the organization itself.

The appellate body that has final authority in the disposition of complaints arising from WTO agreements has declared that its interpretations will make reference to "general principles of international law." This opens the way to using trade litigation as a lever to implement social, environmental, and human rights goals. As Rabkin remarks, "Once it is accepted that trade may be conditioned on compliance with domestic environmental or social norms, there is no obvious limit to what can be imposed"; and he invokes the example of the interstate commerce clause of the Constitution as a basis for Supreme Court approval of almost anything Congress decides to regulate. (The WTO may not go that far, but anyone who doubts the power of economic leverage should contemplate the remarkable spectacle of

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Turkey's abolishing the death penalty and passing laws against sexual harassment and marital rape in order to become a candidate for membership in the European Union.)

Rabkin's principle of legitimacy is strongly opposed to piggybacking a world legal order on economic globalization:

> One may think the world needs a great deal of international regulation. It does not follow that the world is now organized to provide a constitutional framework for agreeing on the proper content and direction for such regulation.... A world which has moved beyond sovereignty is a world which has moved beyond the premises of liberalism and beyond the premises of constitutional government, in any traditional understanding of that term.

He would rather that the most divisive international issues not be governed by law at all than that they be subject to a form of international law that lacks a sound foundation.

For this reason, Rabkin is opposed both to the International Criminal Court and to the presumption that military intervention requires U.N. authorization. The ICC pre-empts the right of a state to enact an amnesty, as so many have done, in the course of a transition from dictatorship to democracy. And the United Nations has been extremely reluctant to authorize military action to stop even the most horrible massacres. Decisions on such issues, he believes, are better left in the hands of sovereign states, acting individually or jointly. There will be bad decisions, but fewer, and some of them will be made by democratically accountable governments.

THOSE WHO WANT TO ARGUE for the legitimacy of much more international regulation than Rabkin favors must do two things. First, they must identify the sources of international law that can take us beyond self-enforcing treaties or conventions unanimously adopted by sovereign states. Second, they must describe the institutions and procedures by which these rules are to be identified, applied, and enforced—even against states that do not accept them.

If we look at the range of moral and political values that command allegiance in the world today, this seems an impossibly tall order. There are international conventions on human rights, but as Rabkin rightly observes, they do not mean much when China is a signatory to the Covenant on Civil and Political Rights and Saudi Arabia is a signatory to the Convention Against Torture, with the reservation that it does not cover bodily mutilation as a form of punishment, as demanded by *sharia*. Even if there is a developing convergence of enlightened opinion on certain norms, Rabkin is right to insist that such norms are not law.

The internationalist has to argue that legitimate and effective world standards will come into being only if we commit ourselves collectively to institutions with the authority to implement them. Only in this way will we give ourselves the incentive to hammer them out together and take them seriously. We have to take some risks, and accept the possibility of finding ourselves on the losing side of some arguments, in order to move ahead with the urgently needed increase in global regulation.

The International Criminal Court seems to me the best candidate for the role of a hopeful mutation of this sort. It will presumably be firmly in the hands of jurists committed to human rights and the rule of law, whose interpretive disagreements will stay within a range broadly acceptable to the Western democracies. It does not seem very risky to give such an institution the chance to develop an international form of common-law jurisprudence, based on existing conventions sharpened by moral and legal interpretation.

But many people believe that the United States should also show much more deference to the United Nations, because that is the only way the U.N. can hope to develop the authority it needs to make the world safer for everyone. On this view, invading Iraq without a second Security Council resolution would have been very wrong even if there had in fact been all those weapons of mass destruction and the United States had provided enough troops to pacify the country after the removal of Saddam Hussein.

There is a chicken-and-egg problem here. Authority exists only if it is accepted, but it will be accepted only if it is seen as legitimate, in virtue of the way it is exercised. It requires a leap of faith

fellowships available

The Radcliffe Institute for Advanced Study at Harvard University awards 45 funded residential fellowships each year designed to support scholars, scientists, artists, and writers of exceptional promise and demonstrated accomplishment.

For more information, please contact:
Radcliffe Application Office
34 Concord Ave.
Cambridge, MA 02138
617-496-1324
fellowships@radcliffe.edu
www.radcliffe.edu

RADCLIFFE INSTITUTE FOR ADVANCED STUDY
HARVARD UNIVERSITY

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

to accept the authority of the U.N. and then hope that it will earn this acceptance by its decisions. In matters of war, peace, and humanitarian intervention, the leap may be too large to be reasonable. Unlike Rabkin, I regret the unavailability of a sound basis for the significant transcendence of sovereignty by international law, but I must agree with him that in the most important cases that is the situation.

Law Without Nations? is readable and persuasive. It includes an instructive history of theories of sovereignty and international law from the sixteenth century onward, and much interesting material on the role of such ideas in the formation and subsequent history of the United States. (With all this erudition, it is incomprehensibly lazy that the index includes nothing from the seventy-three pages of notes, which contain all the references.) I was put off by the relentless tone of contempt for those who hold other views. Rabkin cannot forgive Europe for the Holocaust—why should he? But he brings it into the discussion repeatedly in ways that strain the sense of relevance. He sees in the present European appeal for peaceful conflict resolution a parallel with the acquiescence of German satellites in western Europe after 1940 to the New Order imposed by the Third Reich—no coincidence that Israel now, like the Jews then, is an object of hatred seen as an obstacle to harmony. He says Europeans who want Israel to dismantle its settlements in the West Bank should shrink from endorsing the notion that those territories must be "*Judenrein*." And of the failure of Dutch U.N. peacekeepers to prevent the massacre at Srebrenica in 1995, he remarks that "it should not have been very surprising. In 1940, the Dutch relied on international law for their protection and were overrun by Germany in a matter of hours. A Dutch resistance movement did not develop for several years—well after the Dutch allowed their Jewish fellow citizens to be rounded up for extermination." But the Serbs offered fierce partisan resistance to the Nazis. Does that have any bearing on what we should think about Serbs murdering their Muslim fellow citizens half a century later?

Rabkin demonstrates that in our world constitutional sovereignty provides the indispensable basis for both domestic and international law. Yet it is essential that this not be interpreted to license every untrammeled exercise of sovereign power and a disregard for the vital role of reciprocity in international affairs. Sovereign authority does not excuse the unilateralism of the Bush administration in trying to evade the requirements of the incontestably valid Geneva Conventions on treatment of prisoners of war, not to mention prohibitions against torture. Such rules do not impair the nation's sovereignty, and flouting them has done it great damage, as Noah Feldman recently showed in these pages. If only sovereign nations can create a decent world, then decency must begin at home. ■

Helen Vendler
One Life, One Writing

The Letters of Robert Lowell
Edited by Saskia Hamilton
(Farrar, Straus and Giroux, 852 pp., $40)

The life of Robert Lowell, retold for decades by biographers and journalists, has by now hardened into a fable of melancholic poetic identity. A young man, born to a once-eminent line of first families—Winslows, Starks, Lowells—grows up with a sense of history and political obligation, but rebels against both his perfectionist mother and his ineffectual father. After a brief unsuccessful period at Harvard, he graduates summa cum laude in classics from Kenyon College, finding there both mentors (Allen Tate, John Crowe Ransom) and friends (among them Peter Taylor and Randall Jarrell). But he is stricken by mental illness, later diagnosed as bipolar and eventually controlled by lithium. In 1942, he attempts to enlist in the Navy and the Army, but is rejected because of his eyesight; and a year later, after the firebombing of Hamburg, he becomes a conscientious objector, addressing to President Roosevelt what he later called "my manic statement" protesting the war ("We are collaborating with the most unscrupulous and powerful of totalitarian dictators to destroy law, freedom, democracy, and above all, our continued national sovereignty").

His first trade book, the formidably formal and darkly apocalyptic *Lord Weary's Castle* (which cannibalizes some of its small predecessor, *Land of Unlikeness*), wins the Pulitzer Prize in 1946 and makes him famous. He marries Jean Stafford, a writer, and briefly converts to Roman Catholicism, as she has done, but they divorce; his second marriage, to the writer Elizabeth Hardwick, is a long-lasting one, producing a daughter, Harriet. Lowell's second great success comes in 1959 with *Life Studies*. Its spare and wrenching free-verse revelations of family life (written after his parents' deaths) revolutionize American poetics and are labeled "confessional poetry." But no sooner has Lowell conquered with *Life Studies* (and with *For the Union Dead*, a second book in free verse) than he reverts to formal verse in the splendid Marvellian octaves of *Near the Ocean* in 1967, which laments civic and political decline:

> Pity the planet, all joy gone
> from this sweet volcanic cone;
> peace to our children when they fall
> in small war on the heels of small
> war. . . .

The 1960s—turbulent years in which Lowell protests the Vietnam War and supports Eugene McCarthy in the Democratic primaries—culminate in a powerful journalistic sonnet sequence, *Notebook 1968–69*, in which events of that year, including the March on Washington, are recorded in swift cinematic takes. Many of these poems (re-edited, rearranged, and revised) become embedded in Lowell's gigantic sonnet sequence *History*, which he publishes in 1973 in conjunction with two other sonnet sequences: *For Lizzie and Harriet* (about his marriage to Hardwick) and *The Dolphin* (recounting his move to England, his affair with the writer Caroline Blackwood, their marriage, and the birth of their son Sheridan). The sonnet form begins to seem a Procrustean bed from which Lowell may never escape; but he

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

surprises his readers in 1977 with a return to free verse in *Day by Day*, in which he responds to his moralizing critics: "Why not say what happened?" Shortly after the publication of *Day by Day*, he leaves Caroline Blackwood, the marriage having become a catastrophic failure. Returning from visiting Sheridan in Ireland, he dies of congestive heart failure in a New York taxi, on his way to Elizabeth Hardwick's apartment.

In the public eye, Lowell became a *poète maudit*, existing in an aura of family destructiveness, mental illness, repeated hospitalizations, adulteries, divorces, and scandals. In spite of the exacerbations of mind and body that he had undergone, Lowell could say in an "Afterthought" appended to *Notebook* that "in truth I seem to have felt mostly the joys of living; in remembering, in recording, thanks to the gift of the Muse, it is the pain." So the arid contours of the public view misrepresent the man who, when he was well, was much beloved as an eager and receptive presence, a generous and sympathetic critic, a witty and sardonic conversationalist. Despite the grotesque trials they were put through when Lowell was ill, those closest to him—Hardwick, Taylor, Elizabeth Bishop, Blair Clark, William Alfred, Frank Bidart—remained his lifelong friends.

The joy that Lowell took in living is so spontaneously reproduced in his letters that the next biography will surely more fully convey his relish for day-to-day events. The dashingly written *Letters*—selected, edited, and skillfully introduced by Saskia Hamilton—make absorbing and intimate reading. In her "Note on the Text and Selection," Hamilton explains that "in a moment of rage" Jean Stafford destroyed most of Lowell's letters to her, and that his letters to Caroline Blackwood disappeared when the trunk they were stored in was stolen (though transcripts of some of them appear in the biography by Ian Hamilton). She adds that "some recipients, among them Lowell's children, have preferred to keep their letters separate from the public." Certain important parts of the private record, then, are missing here. Moreover, Hamilton had "to cut many lively and interesting letters" to make this single volume. She expresses the hope that someday a multi-volume collection of the correspondence will appear.

The addition of the *Letters* to Lowell's *Collected Poems* (2003) and *Collected Prose* (1987) creates a substantial, if not complete, assemblage of primary sources. For newcomers, the notes to the poems and letters supply information necessary for reading a poet for whom "one life, one writing" was the watchword:

> one life, one writing! But the
> downward glide
> and bias of existing wrings us dry—
> always inside me is the child who
> died,
> always inside me is his will to die.

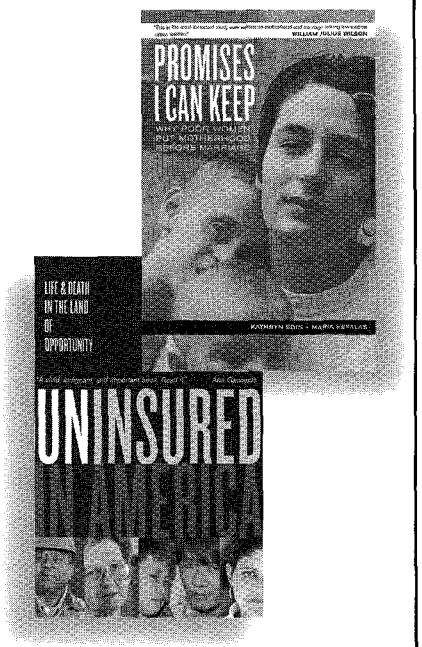
Lowell's reputation is bound to be reevaluated as younger readers and critics view the whole canon of his poetry and prose. His verse, so exciting to members of his generation and the next, will perhaps be judged by different criteria; but its variety—a torrential flow on one page, a dry inventory on another, an aphoristic epigram on a third, and everywhere marvelous forays into the treasury of language—cannot fail to attract the attention of readers of poetry.

The trouble with poets' letters, even the most readable ones, is that they are not poems. It is strangely flat to come across, in their naked pre-transformation state, moments that will generate famous verses. In 1954, writing to Ezra Pound, Lowell describes his mother's death:

> My mother died very suddenly in Rapallo on the 14th of February. I flew over and arrived an hour *after* her death. All my plane connections were late—the only move I made on time was catching a trolley in Milano—because it was raining and there were no taxis—to the Genova train. You didn't know my Mother, so there is no point in going elaborately into our relationship. We were very much alike—only for most of her life she had no idea where or who she was. Most of our lives were [*sic*, presumably for "we"] weighed on each other like stones, but at the end (during the last ten months or so[)] we were in a funny way, speaking different languages, very close—the same metabolism, the same humor, the same boldness, and slowness.

A reader of Lowell's poetry experiences a passionate impulse to do justice to the effect on Lowell of his mother's

THE PRICE OF POVERTY



Uninsured in America
Life and Death in the Land of Opportunity
by Susan Starr Sered & Rushika Fernandopulle

"If Upton Sinclair aimed for the public's heart and hit its stomach instead, Sered and Fernandopulle's discussion of caste lands an unnerving shot to the mouth.... Introducing meaningful change into the health-care system will take work from all quarters; and academics like Sered and Fernandopoulle...have an indispensable role to play in that effort."
—BENJAMIN HEALY, *THE NEW REPUBLIC*

$24.95

Promises I Can Keep
Why Poor Women Put Motherhood Before Marriage
by Kathryn Edin & Maria Kefalas

"Edin and Kefalas decisively rescue the young welfare mother from the policy wonks and feminist professors who have held her hostage until recently, and in so doing overthrow decades of conventional wisdom."
—*WALL STREET JOURNAL*

$24.95

AT BOOKSTORES OR ORDER
(800) 822-6657 • WWW.UCPRESS.EDU
UNIVERSITY OF CALIFORNIA PRESS

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

death by interleaving such taciturn passages with the poem of the occasion. It is in "Sailing Home from Rapallo" that Lowell conveys his responses to the loss of his mother: the dead Charlotte Winslow Lowell is first addressed as a living "you"—"Your nurse could only speak Italian"; then, as her coffin is stowed in the ship bound for the United States, she is referred to formally and ironically as "Mother"—"Mother travelled first-class in the hold"; and finally she becomes, chillingly, "the corpse"—"The corpse/ was wrapped like *panettone* in Italian tinfoil." In contrast to the grim mortality of the body, the poem evokes the crystalline immortality of family. In the private New Hampshire graveyard where the body will be buried,

> the burning cold illuminated
> the hewn inscriptions of Mother's
> relatives:
> twenty or thirty Winslows and Starks.
> Frost had given their names a
> diamond edge....

The poet's increasing psychic distance from his dead mother is set against the intensity of his attachment to the burning cold of New England Puritanism: these feelings rise from "Sailing Home from Rapallo" as they do not from the letter to Pound. And hundreds of other poems lie underneath (or float above) the letters. A reader of these transcripts from life remains haunted by memorable sentences from the poems. Since a lyric poet prefers to sound the depths of the place where he finds himself rather than pursue a continuous narrative, the linear form of the letter is not so native to Lowell as the vortical structure of verse.

STILL, THE LETTERS APPEAL AS live reportage from an attentive, spontaneous, and original eye. They cover a span of American history that includes World War II, the Vietnam War, Watergate, the Kennedys, and so on. Lowell reports events graphically, and sketches acquaintances with a rapid brush. As the earliest letter here shows, by his nineteenth year his prose style was already in order: even triviality required mastery by style. Reproaching his school friend Frank Parker for not having sent him a letter, he echoes proverbial rhetoric ("For want of a nail the shoe is lost, for want of a shoe the horse is lost," etc.): "Of course I don't dare to affirm positively that you have not written. Perhaps you wrote a letter and forgot to mail, perhaps you mailed and forgot to stamp, perhaps you stamped and forgot to envelope, perhaps you dreamt your epistle etc. etc. etc. ad infinitum."

Rapidly aggregated detail remained the chief feature of Lowell's prose style. Writing in his fifties to Peter Taylor about the move to Kent with Caroline Blackwood, Lowell heaps all the facts in one humorous basket (accommodated to Taylor's southernness), topping them off with wry summary:

> The house is early 18th century Palladian, and very Old South messy, a just housebroken miniature dachshund, about a thousand children, numerous, very unreliable, even dangerous, Old South help, strangely dressed. My New England creed that morality is tidiness and incessant action has failed.

The other constant feature in the style of the letters is a pervasive self-mockery. In 1972, Lowell is teaching without enthusiasm at Essex University ("talking to students who wouldn't answer questions—'Is Lear tragic or senile?' They mutely thumb through their texts"). Characteristically, a moment later he turns the academic question into a smiling joke on himself: "I'll teach again here next October, then next year, fall 1973, 3 months at Harvard. By then I'll be tragic and senile." Amusing as this is, the seamless passage from Lear to himself reflects the constant permeability in Lowell's mind of life and literature. When he taught literature, he took for granted that it presented life, and therefore that Lear's life was as consequential as his own.

LOWELL SUMMONS HIS MOST animated descriptions, perhaps in good-natured competition, when he replies to Elizabeth Bishop's entertaining letters from Brazil. In passages that are too long to quote in full here, Lowell heaps anecdote on anecdote. I will give a short excerpt to convey Lowell's vivacious adjectives and nouns. He and some friends, looking for a drink after a day on the ocean in Maine, climb a hill to "an old white hotel, *The Somes*": "It wasn't for us. Elderly, wealthy, speechless lonely people sat about drinking carbonated water at candle-lit tables.... The clientele seemed to be entirely women, in evening dresses, they would rise from their little tables where they were playing probably Auction Bridge, stare at us then turn away in fatigue and horror." In such a cartoon, exaggeration is only a hair's breadth away from accuracy.

Yet the gleeful high spirits of this passage occur, characteristically, between two very sober moments. Less than a week earlier, Lowell had had to explain to Bishop, with shame and apology, his attack of lunacy in Buenos Aires and the medications he is taking:

> My disease, alas, gives one (during its seizures) a headless heart.... I am taking my anti-manic pills—75 mgs. of sparine, no more than what my doctor prescribed on the bottle but too much to drive a car or even see people much. The effect is something like the slowing and ache of a medium fever. One's thoughts are not directly changed and healed, but the terrible, over-riding restlessness of one's system is halted.... Gracelessly, like a standing child trying to sit down, like a cat or a coon coming down a tree, I'm getting down my ladder to the moon.

And, in the Maine letter, after all the lighthearted sketches, he recalls with wistfulness the intensity of a long-past moment with Bishop:

> You said rather humorously yet it was truly meant, "When you write my epitaph, you must say I was the loneliest person who ever lived."... I assumed that [it] would be just a matter of time before I proposed and I half believed that you would accept.... But asking you is *the* might have been for me, the one towering change, the other life that might have been had.

CANDOR AND HONESTY, APPEARing among the verbal glints and the social glimpses, are the tent stakes supporting Lowell's letters. He is candid (if not entirely so) even in the painful exchanges with

Ulysses
Vintage book reviews from the pages of The New Republic.
Only at www.tnr.com/indexarts

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Elizabeth Hardwick as he leaves her for Caroline Blackwood. Self-interest is no doubt served in Lowell's letters, as in anyone's, but he also consistently attempted genuineness of sentiment. Hardwick appears in the book as a heroine of reason and steady affection, while Lowell himself emerges as a man trying to live an unlivable life—one punctuated for years by so many periods of derangement that the interim months become painful stretches of gradual recuperation.

The letters that were written in a period of manic "enthusiasm" are painful to read. Those written to a young woman during Lowell's breakdown in 1954 after his mother's death show his diction becoming garish, as he implores her to write to him: "It's like hanging on a meat-hook, going through a vegetable grinder, like being one of those pictures of flayed men—all purple and nerves—on an anatomical chart!" After that episode, Lowell described his attacks to Bishop: "These things come on with a gruesome, vulgar, blasting surge of 'enthusiasm,' one becomes a kind of man-aping balloon in a parade—then you subside and eat bitter coffee-grounds of dullness, guilt, etc." And in the bouts of mania, Lowell became attracted to lurid content as well as excessive expression. Writing to Bishop in 1961, after a hospitalization a few months earlier, he persisted in delusions of compositional grandeur: "I would like to try a long long poem about Hitler and the Second World War, done more or less chronologically, short scenes, prose, strict and free verse, and many styles. It would take many years to do." It is a relief to return to the letters written in sanity.

GRATEFUL TO SYMPATHETIC reviewers, translators, and fellow poets for their understanding of his work, Lowell responded often with revealing accounts of his efforts at composition. In writing to his former pupil Richard Tillinghast he traces the evolution of *Life Studies*: "I was working on five or six things at once.... Then I had a breakdown, quite a jolt, the first in four years.... The fury of composition had gone. It took almost the rest of the year to write the remaining poems [including "Skunk Hour"]." And he adds: "A new style had come, freedom and an accomplishment after more or less staring into the wall. I meant the skunks at the end to move with their thud of triumph. My whole sad, hesitating journey to their walk is perhaps no less so—tactics of ~~survival~~ stopping so as not to stop."

In this letter, Lowell freely mentions that he often begins his poems by basing them on poems by others. (He instances Hölderlin, Rimbaud, and Catullus.) He hastens to add that by the end "I think no Hölderlin is left" or that the piece was "from a late bitter poem of Catullus, but maybe nothing's left of that." "Half my pieces come from something," he says, in a statement that is part boast, part apology. His learning became both a burden and a buoyancy in Lowell's literary practice: he had an irremediably literary mind, unable ever to forget the pages of history and poetry that he had absorbed in his headlong and insatiate younger days. Just as he seesaws between the formal and the free, so he seesaws between densely allusive verse and verse from which learning has been relentlessly pruned. The letters, looser in obligation than the disciplined poems, often permit an amiable texture of gaiety and earnestness.

Lowell was aware, of course, that there were dangers as well as rewards in his frequent changes of style, but he was equally conscious of the danger of keeping to a fixed manner. In 1968, when he and Adrienne Rich were still friends, she composed (and sent to him) a dead-on parody of his *Life Studies* lyrics, with their banal details and their mythologized grandeur:

> Mornings, in Dacron pyjamas,
> I hog the john
> where the Vergilian sun soaks
> through our reed blinds
> and limelights our Victorian bidet.
> Our natural Puerto Rican sponge
> lies on the tiles
> like an earlier incarnation of itself,
> some marine Pyrrhus soaking up
> the bilge
> of our master bathroom.
> It is nineteen-sixty-eight,
> the Old Left lies in its teeth about
> us....

Lowell replied genially. "Dear Adrienne: Thanks for the parody—almost too close; one has so few stylistic tricks in the end. Like best the second sponge line." The *Life Studies* style—dispassionate, personal, mythological, and historical all at once—was soon imitated in the pages of every quarterly, just as the earlier fire-and-brimstone style, and the later block-sonnet style, found their followers.

AS THEY UNFOLD, THE LETTERS play a resonant obbligato to the life and the poems alike. Through them we see the external and internal crisis provoked by Lowell's quoting, in *The Dolphin*, portions of the anguished and disbelieving letters Hardwick wrote to him as he left the marriage. Bishop disapproved, Rich disapproved, Hardwick resented the exposure; and from composition to publication of *The Dolphin*, Lowell was anxiously writing to all concerned, as well as to friends. He tells Stanley Kunitz that he is thinking of issuing the book first in a limited edition: "That might be the most tactful thing I could do for Elizabeth short of burning the ms.... Lizzie is the heroine ... but she will feel bruised by the intimacy. She should win all hear[t]s but what is that when you are left, and left again in print?"

Lowell attempts revisions, omitting some parts of the letters, softening others, but admits to Bishop that "the problem of making the poem unwounding is impossible, still I think it can be made noticeably milder without losing its life. It might be much better, for who can want to savage a thing. How can I want to hurt? Hurt Lizzie and Harriet, their loving memory?" Although he feared Hardwick's reaction to the book itself and the subsequent reviews, he defended himself to Bishop: "My immorality, as far as intent and skill could go, is not[h]ing in my book. No one, not even I, is perversely torn and twisted, nothing's made dishonestly worse or better than it was. My sin (mistake?) was publishing. I couldn't bear to have my book (my life) wait ~~hidden~~ inside me like a dead child."

There is a period of two months in which Lowell doesn't hear from Hardwick, and he is afraid, as he tells William Alfred, that "relations with Lizzie are broken off." His last word to Bishop about the reviews of *The Dolphin* is this: "The moral criticism, I pass by,—that is for me to take up with myself." Hardwick does not, in the end, break off relations; with remarkable resilience and generosity, she remains (until Lowell's death) an understanding friend. Lowell addresses her always as "Dearest Lizzie," and, thanking her in 1975 for writing, he begins gratefully, "What lovely reverie and remembering letters from you!" By 1976, he writes to her, "I regret the letters in *Dolphin*. The only way to make a narrative was to leave a few." The episode of the publication of private letters

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tails off, its murky mistakes (or sins) permanently inscribed in the memories of all concerned.

As Lowell finishes what will be his last book, *Day by Day*, he writes a valedictory letter to Frank Bidart, certain that he has consumed all his subject matter:

> Now there can be no more. I can rub my hands over the bottom of the pot and find no ~~more~~ material.... I think I've even thrown some of the metal of the pot in. And yet, nothing is ever perfect, even within its crippling inevitable human limitations.... I think the ambition of art, the feeding on one's soul, memory, mind etc. gives a mixture of glory and exhaustion. I think in the end, there is no end, the thread frays rather than is cut, or if it is cut suddenly, it usually hurtingly frays before being cut. No perfected end, but a lot of meat and drink along the way.

Lowell's thread was cut suddenly, but the letters are witness to how many frayings preceded the end. The poem approximating the sentiments in this letter had appeared earlier, as the final sonnet in *For Lizzie and Harriet*. It is called "Obit," and begins with an acknowledgment of the most hurting fraying of all, the dissolution of a long marriage: "Our love will not come back on fortune's wheel." The poem becomes a hymn in favor of natural change over transcendence, but ends, "After loving you so much, can I forget/ you for eternity, and have no other choice?"

The valedictory poems of *Day by Day*, published just before the poet's death, are free-verse exhibits of the fraying thread, as Lowell fears a depletion that can merely transcribe, not create—a dejection phrased, of course, in as firm a style as ever:

> I am too weak to strain to remember,
> or give
> recollection the eye of a microscope.
> I see
> horse and meadow, duck and pond,
> universal consolatory
> description without significance,
> transcribed verbatim by my eye.

The animus of politics, the aspirations of religion, have waned, and the poet sees himself modestly, hoping to be one of those who have consoled their readers by transcribing into words the universal images of their common world. In the opening poem of *Day by Day*, however, Lowell takes a stronger, if partly ironic, view of the contribution of age to poetic strength:

> This is riches:
> the eminence not to be envied,
> the account
> accumulating layer and angle,
> face and profile,
> 50 years of snapshots,
> the ladder of ripening likeness.

THE LETTERS GIVE US (WITHout biographical intervention) "layer and angle,/face and profile" of Lowell's mind and character. They offer forty years of Lowellian snapshots—those "lurid, rapid, garish, grouped" likenesses (as he called them in "Epilogue"). The lurid and the garish certainly are here, but the letters are also touching, spirited, and reflective. Like the snapshots, they are "grouped": Lowell, for all his solitariness as a writer, intensely required others to talk to, to write to, and to love, and the letters are the proof of his literary gregariousness. They confirm, especially in their volatility of erotic choice, Lowell's Keatsian characterization of writers as chameleons:

> We are things thrown in the air
> alive in flight...
> our rust the color of the chameleon.

Living by "improvisation and invention," changing styles, enthusiasms, wives, girlfriends, and addresses (there are thirty-eight addresses—not including hospitals—listed in Hamilton's appendix), Lowell endured a punishing restlessness, a terrible driveness, that was belied by his leisurely social ease, his desultory amusement, his delight in late-night talk. His enormous early zest for almost anything—theology, books, women, friendship, politics—gradually diminishes, here, under the blows of illness and marital failure and the inconveniences of age. A poem by Hölderlin, called "The Course of Life," could serve as a motto for the later Lowell:

> Upwards my soul aspired,
> but soon
> Love drew it down;
> Suffering humbled it more;
> So I hasten round the curve
> Of life, and return whence I began.

In the letters, as in the poems, Lowell is a more humanly attractive figure at the weary end than in the fierce beginning. ■

David J. Garrow
The Accidental Jurist

BECOMING JUSTICE BLACKMUN: HARRY BLACKMUN'S SUPREME COURT JOURNEY
By Linda Greenhouse
(Times Books, 268 pp., $25)

HARRY BLACKMUN ALWAYS remembered his very first day on the United States Supreme Court. "I'll never forget the ninth day of June 1970, when I was sworn in," he told a small audience in the south of France in 1992. "Immediately after the swearing in we went into 'the Conference,' so called," the Court's name for a gathering of the nine justices. "I walked into that room and there was Hugo Black, William O. Douglas, William J. Brennan Jr., John Marshall Harlan--and I said to myself, 'What am I doing here?'"

In the early 1970s, Blackmun was not the only person asking that question. Justices Black, Douglas, and Potter Stewart all wondered whether the little-known sixty-one-year-old Minnesotan could handle the tasks that confronted them all. Just eight years earlier those justices had watched with profound sadness as a similarly untested Midwesterner—Charles E. Whittaker, who had joined the Court in 1957—cracked under the emotional strain of the Court's tough cases. Hospitalized after threatening to commit suicide, Whittaker was pressured

David J. Garrow is the author of LIBERTY AND SEXUALITY: THE RIGHT TO PRIVACY AND THE MAKING OF ROE *v.* WADE *(University of California Press).*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

into retiring by Chief Justice Earl Warren. Whittaker had been named to the lower federal bench, and then to the Supreme Court, largely as a result of his close friendship with President Eisenhower's brother.

Harry Blackmun arrived in Washington straight from the same appeals court on which Whittaker had sat. He, too, owed his appointment to that judgeship, and then President Nixon's nomination of him to the high court, largely to one man: Warren E. Burger, his closest friend since kindergarten and, since 1969, chief justice of the United States. Burger and Blackmun grew up together in St. Paul before Blackmun received a scholarship to attend Harvard College. After law school, also at Harvard, Blackmun returned to Minnesota to clerk for a federal judge. He then joined one of the Twin Cities' premier law firms, where he did much of his work for the Mayo Clinic in nearby Rochester. In 1949 Mayo asked Blackmun to become its first in-house counsel, and Blackmun, his wife Dottie, and their three teenage daughters moved to small-town Rochester.

Warren Burger earned his law degree by attending night classes while working for an insurance firm in St. Paul. He then joined a local law firm, married (Blackmun was best man at his wedding), and became active in Republican politics. He managed the election campaigns of Harold Stassen, the youthful three-term governor, and also led Stassen's unsuccessful presidential candidacy in 1948. At the closely contested Republican National Convention in 1952, Burger proved crucial to Dwight D. Eisenhower's first ballot nomination. When Eisenhower became president, Burger was rewarded by being named assistant attorney general in charge of the Justice Department's Civil Division.

Three years later, Eisenhower elevated Burger to a judgeship on the U.S. Court of Appeals for the District of Columbia Circuit. His judicial status notwithstanding, Burger remained in close contact with the Justice Department, and when the Minnesota judge for whom Blackmun once had clerked signaled his desire to retire, Burger played a decisive role in ensuring that the nomination for the vacancy would go to his friend. In November 1959, on his fifty-first birthday, Blackmun took his seat on the U.S. Court of Appeals for the Eighth Circuit. Their joint service as federal judges strengthened Burger and Blackmun's friendship.

When Blackmun's huge collection of personal and official papers at the Library of Congress was first opened in early 2004, five years after his death, one of the most notable troves was the many deeply personal letters from Burger to Blackmun pre-dating 1970.

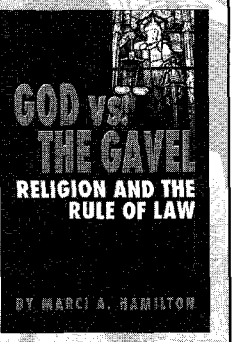
Linda Greenhouse, who for twenty-seven years has covered the Supreme Court for *The New York Times*, made the two justices' lifelong relationship the centerpiece of two front-page stories one year ago. Given advance access to the Blackmun collection (along with Nina Totenberg of National Public Radio), Greenhouse had a two-month head start on other journalists, but the *Times* published only a modest amount of the material that she gathered. Her new book is not a long one, nor is it based on any additional sources beyond Blackmun's papers, but it reprises in rich, thoughtful, and more extensive detail the main emotional and interpretive threads of Blackmun's career.

Blackmun joined the Supreme Court after a Senate Judiciary Committee hearing that lasted less than four hours, despite the two prior nominees for that vacancy, federal appellate judges Clement Haynsworth and G. Harrold Carswell, having both been rejected by the Senate. Blackmun's confirmation was unanimous, but repeated newspaper depictions of him as Burger's "Minnesota Twin" decisively counterbalanced the senatorial courtesy. Blackmun's first years on the high bench underscored both his insecurities about whether he belonged there and his pronounced conservatism. In *Wyman* v. *James*, a case challenging intrusive home visits imposed upon welfare recipients, and in *United States* v. *Kras*, which disputed a $50 fee required of anyone filing for bankruptcy, Blackmun wrote majority opinions upholding the policies despite fervent dissents from the Court's liberals.

THE SINGULAR—AND MOMENTOUS—exception during Blackmun's first three years on the Court was his opinion in *Roe* v. *Wade*. This case, along with its companion case, *Doe* v. *Bolton*, arrived at the Court while the justices were already considering a criminal appeal challenging the District of Columbia's anti-abortion law. Blackmun indicated in his own private notes on that case that he "would not be offended" by the extension of the Court's constitutional privacy precedents

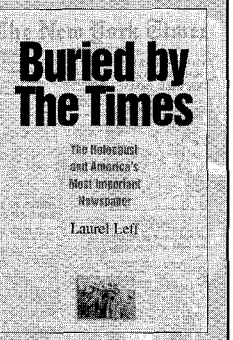
GREAT TITLES FROM CAMBRIDGE

God vs. the Gavel
Religion and the Rule of Law
Marci A. Hamilton



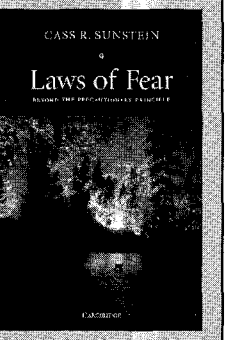
"*God vs. the Gavel* will open your eyes, stun your soul, and strengthen your belief that no one, not even priests and ministers, are above the law. If you care about justice for those victimized by religion, you **must read this book**."
–Karol Jackowski, author of *The Silence We Keep: A Nun's View of the Catholic Priest Scandal*
$28.00: Hardback: 0-521-85304-4: 408pp

Buried by The Times
The Holocaust and America's Most Important Newspaper
Laurel Leff



"How could the best newspaper in the United States, perhaps in the world, under-estimate and under-report the mass killing of more than 6,000,000 Jews? Read this book, which provides answers and in the process stands tall in scholarship, style and importance."
–Marvin Kalb, Senior Fellow at Harvard's Shorenstein Center on the Press, Politics and Public Policy
$29.00: Hardback: 0-521-81287-9: 442pp

Laws of Fear
Beyond the Precautionary Principle
Cass R. Sunstein



Cass Sunstein's insight into The Laws of Fear represents a major statement for the contemporary world from one of the most influential political and legal theorists writing today.
$65.00: Hardback: 0-521-84823-7: 246pp
$23.99: Paperback: 0-521-61512-7

Available at better bookstores

CAMBRIDGE UNIVERSITY PRESS
www.cambridge.org

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

to include women's access to abortion, but the justices resolved the D.C. case without confronting that issue. In December 1971, *Roe*, which challenged Texas's nineteenth-century abortion statute, and *Doe*, which disputed Georgia's slightly liberalized law, came before a seven-justice Court. Both Black and Harlan had retired earlier that fall, and their successors, Lewis Powell and William H. Rehnquist, would not take their seats until early 1972.

Years later, in a letter to Rehnquist in 1987 and in multiple oral history interviews recorded in the 1990s, Blackmun repeatedly asserted that the seven justices heard *Roe* and *Doe* only after a Burger-appointed subcommittee chaired by Potter Stewart erred in failing to postpone the two cases until a full Court was available. In fact, not a single contemporaneous document, in either Blackmun's papers or those of other justices, offers any evidence that this subcommittee existed anywhere except in Blackmun's faulty memory. Blackmun's interviews are misleading on many particulars concerning *Roe* and *Doe*; and aside from her rehearsal of the fictional subcommittee, Greenhouse knowledgeably avoids all the historiographical traps. On the most interesting question of all—why did Burger assign the preparation of the majority opinions in *Roe* and *Doe* to his old friend?—Blackmun always professed to know nothing more than anyone else. Given how exceptionally close the relationship between the two men had been before Blackmun joined the Court, the absence of any private discussion of the two cases between the two old friends was a telling sign of what was to come.

The greatest irony of *Roe* and *Doe* is how Blackmun came to personify a ruling that he initially sought to hedge and about which he later admitted surprising ambivalence. In the months immediately following the cases' assignment, Blackmun and his law clerks drafted rather narrow opinions overturning the Texas statute but leaving many other issues in limbo. Come late May, feeling dissatisfied with his drafts, Blackmun recommended holding the two cases over for re-argument in the fall rather than handing down decisions in June. But most members of his nascent majority—Brennan, Stewart, and especially Douglas—reacted angrily to the suggestion, fearing that the addition of Powell and Rehnquist, plus the uncertainty of both Blackmun and Burger, might well mean that delay would result in an opposite outcome.

Blackmun defused the in-house controversy by re-assuring those justices that his votes were firm, and over the summer his law clerk George Frampton significantly fleshed out the two opinions, introducing many of the ingredients that would appear in the final rulings five months later. Frampton flagged for Blackmun how he had failed to expand *Roe*'s minimal constitutional analysis, but once the two cases were re-argued in October, no bickering ensued. Powell heartily sided with Blackmun, making for a seven-member majority if the uncertain Burger remained on board. With support from both Brennan and Thurgood Marshall, Powell recommended that Blackmun clarify how the rulings would apply to the later stages of pregnancy. With relatively little reflection or debate, *Roe*'s and *Doe*'s declaration of women's access to legal abortion was extended from the end of the first trimester of pregnancy, where Blackmun's existing draft had limited it, to the point of fetal viability, near the end of the second trimester.

The most fascinating and unanswerable question about the making of *Roe* v. *Wade* is to what extent, if any, the subsequent political controversy over the ruling would have been less intense, or would even have abated, had the Court stuck with Blackmun's initial inclination to protect fully only first-trimester abortions. Years later, when asked if he had any regrets about *Roe*, Blackmun repeatedly cited only the opinion's disavowal of knowing when life begins, a passage he wrongly claimed he added only at Stewart's insistence. Blackmun never mentioned, and may very well not have remembered, the brief flurry of clerk-drafted memos about whether to almost double the extent of *Roe*'s constitutional reach.

ROE AND *DOE* WERE announced on January 22, 1973, and protests targeting Blackmun began almost immediately. "I have never before been so personally abused and castigated," he wrote to a friend who was a Minnesota minister soon afterward. Far more notably, Greenhouse quotes a letter that Blackmun sent to a Catholic priest whom he knew well. Emphasizing that the Court "did not adjudicate that abortion is right or wrong or moral or immoral," the author of *Roe* v. *Wade* went on to declare that "I share your abhorrence for abortion and am personally against it." Blackmun added that "I understand the critical letters, but I do not understand the vilification and personal abuse which has come to me from some quarters."

In that letter, Blackmun spoke of "this unwelcome job I seem to have inherited," and years later he stated that *Roe* "happened to me in my early years here." Yet rather than continue to distance himself from *Roe*'s holding or put the decision behind him, Blackmun, as Greenhouse rightly says, came "to embrace *Roe* with a fierce attachment and a deep personal pride." As the attacks on *Roe* became more sustained and unrelenting, Blackmun responded by championing the decision with much greater fervency than he had exhibited in early 1973.

Greenhouse suggests that Blackmun's ardent embrace of *Roe* was rooted initially in his remarkable sensitivity to criticism. She depicts Blackmun as unusually self-preoccupied from early life onward. At the age of fourteen, he underwent an appendectomy, and "for the rest of his life, Blackmun would mark the anniversary of his own surgery; March 8 attained a lasting significance." Indeed, when Justice Sandra Day O'Connor had the same operation in 1988, Blackmun wrote her to say that "sixty-five years ago today I had my first surgery."

While Blackmun was serving on the appeals court in the late 1960s, he was assigned an opinion upholding a death sentence that had been imposed on a murderer who had killed three people

For years, he's stayed behind the scenes... *until now.*

Ken Wilber, author of *A Theory of Everything*, is the world's leading integral theorist

KEN WILBER
WORKSHOPS

Interested in Ken Wilber's integral theory? Integral Institute, founded by Wilber, applies integral thinking to a wide range of human endeavors – from business to ecology/sustainability to consciousness. Check out our highly-acclaimed workshops, featuring Ken Wilber in person, at **www.integralseminars.com.**

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

during the course of a bank robbery. Blackmun appended a brief statement at the end of his draft opinion expressing uncertainty about capital punishment, and asked his fellow judges if any objected. When two did, calling the passage "gratuitous," Blackmun was "deeply wounded," Greenhouse records. What's more, "months later, the episode appeared to have become more, rather than less, painful to Blackmun."

This precursor to his behavior after *Roe* also foreshadowed Blackmun's long subsequent struggle with the death penalty. Even as early as 1972, while voting to uphold the constitutionality of capital punishment, Blackmun nonetheless volunteered that "I yield to no one in the depth of my distaste, antipathy, and, indeed, abhorrence for the death penalty." Blackmun's struggle to separate his personal opinions from his judicial responsibilities, combined with his own deep-seated doubts about his analytical ability, made for a justice who invested very long hours in his job but never relished it.

"FOR ME, MY YEARS AT THE Court have not been very much 'fun' and have not been 'enjoyable' in the ordinary meaning of that word," Blackmun confessed in 1986. "Perhaps I am too personally sensitive." His daughter Nancy, who became a psychologist, observed that there "was often a shadow of pessimism, of sadness, of intermittent depression about him." At the Court, Blackmun's daily routine was marked by isolation and loneliness. Most stories that his former clerks tell revolve around the regular weekday routine of breakfasting with Blackmun each morning in the Court's public cafeteria. They recount his kind greetings to visitors and his great interest in baseball, but "as 9 o'clock approached," former clerk Edward Lazarus wrote in 2004, "the Justice's attitude and demeanor changed radically. As he shifted into work mode, Blackmun became unapproachable, a man consumed by a mantle of professional duty that fairly seemed to crush him."

Blackmun's clerk Mark Schneider recalled that "except on argument days," when the Court heard cases, "after breakfast he would generally hole himself away in a private reading room in the library and pore over briefs and cases. He was not to be disturbed. He took a private lunch and then went back to the library." Blackmun thus fashioned for himself what Lazarus called "a distinctly solitary existence," which was further magnified by Blackmun's strong aversion to discussing pending cases orally with his clerks. Sometimes at breakfast Blackmun would pull from his pocket small slips of paper with questions or thoughts that he wanted his clerks to consider, but "they were only hints," Schneider said.

Blackmun "liked to tell clerkship applicants that he was the least able justice," Lazarus revealed, and Blackmun's low self-regard may also have been a major factor in how distant he remained from his colleagues. Come 1992, when Justice Anthony Kennedy, Blackmun's next-door neighbor at the Court, wanted to tell Blackmun that he, O'Connor, and David Souter had hijacked the famous abortion case of *Planned Parenthood* v. *Casey* from Chief Justice Rehnquist, Kennedy sent Blackmun a handwritten letter asking for time to talk. As Lazarus observed, "Kennedy's note—an awkward and stilted request for a face-to-face conversation—is the kind of note one would write to a virtual stranger," not someone whose office had been next door for more than four years.

Blackmun's increasing distance from Warren Burger over the course of the 1970s was both dramatic and painful. Greenhouse quotes statistics showing that during their first five years together, the two men agreed in 87.5 percent of closely divided cases. During their second five years, however, that percentage dropped to 45.5, and by the early 1980s Blackmun and Burger were on the same side of only 32.4 percent of the Court's five-to-four cases. *Roe* v. *Wade* was not a significant factor in their split. It appears that the Court's handling of *United States* v. *Nixon* in 1974, which precipitated the president's resignation from office, played a major role.

"From then on we grew apart," Greenhouse quotes Blackmun as remembering, but the details of the old friends' divergence are sketchy. Blackmun recorded in his notes numerous instances in which he felt Burger had behaved poorly towards him—"CJ for the first time very cool," "CJ picks on me at conference"—and Greenhouse rightly observes "how easily hurt" Blackmun was "by any indication from Burger of a lack of regard." Virtually every journalist and historian who has addressed Burger's chief justiceship has acknowledged how pompous, patronizing, and imperious Burger often was in his dealings with his colleagues. Yet Greenhouse is certainly correct to emphasize how "Blackmun, always thin-skinned, was hypersensitive to slights from Burger," and was "perhaps perceiving slights when . . . nothing particularly personal was intended."

Early in 1978, Blackmun wrote Burger to complain that while some justices already had as many as fourteen majority-opinion assignments for the current term, he had received only ten. This may not seem like a major disparity, but Blackmun told Burger that the difference "makes me feel somewhat humiliated not only personally, but publicly." Blackmun's sensitivity may have stemmed from the two men's intense disagreement over *Bates* v. *Arizona State Bar*, in which the Court legalized commercial advertising by lawyers. Burger not only dissented angrily from Blackmun's majority opinion, he also repeatedly denounced the decision in various public forums. Blackmun, Greenhouse reports, responded by taking "a lasting proprietary interest" in the case, just as he did with *Roe*.

ONE OF THE MOST SIGNIFicant votes that Blackmun cast during his twenty-four years on the Court came in 1985, in *Garcia* v. *San Antonio Metropoli-*

Stake a Claim to Your Domain Name with pairNIC.com

Your dot COM name is out there. Register your domain name at a great price with pairNIC.

Visit **www.pairnic.com** to claim your domain name now!

pair networks®

pairnic.com
www.pair.com

RESEARCH ASSOCIATE/PERSONAL ASSISTANT

New York City—Highly intelligent, resourceful individuals with exceptional communication skills sought to undertake research projects and administrative tasks for one of Wall Street's most successful entrepreneurs. We welcome applications from writers, musicians, artists, or others who may be pursuing other professional goals in the balance of their time. $90-110k/yr to start (depending on qualifications). Resume to: gen8R@spsfind.com

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tan Transit Authority, a case about federalism. Ten years earlier, in *National League of Cities* v. *Usery*, a similar federalism case that Lewis Powell had called "the most important case since I have been here," Blackmun had joined with Powell and the more conservative justices to exempt state government employees from federal wage and hour protections. But Greenhouse discloses that when the Garcia case arrived at the Court in 1984, one of Blackmun's law clerks, Scott R. McIntosh, wrote a long memorandum that "persuaded him that he was on the wrong side" of the Court's five-to-four divide. Burger had assigned Blackmun the majority opinion on behalf of the Court's conservatives, but McIntosh "offered to produce a draft" that would instead align Blackmun with the four dissenters. Blackmun adopted McIntosh's draft and notified his colleagues of his switch. Burger protested and insisted that *Garcia* be re-argued, but Blackmun's new position prevailed.

The following term, another law clerk, Pamela Karlan, made similarly influential contributions. In September 1985, the Court's internal civility was badly roiled by an angry dispute over *Darden* v. *Wainwright*, a capital punishment case. Blackmun drafted a letter to his colleagues complaining that "the Court as an institution would certainly look a little strange" if it granted review but nonetheless allowed Darden to be executed before a decision could be rendered. Karlan, Greenhouse recounts, told Blackmun that that sentence "was 'far too tame, given what we're really talking about here.' She suggested stronger language: the Court would appear 'intellectually and morally bankrupt.' Blackmun adopted her proposal" and included her harsh phrase in his letter.

That same year also featured one of the most significant post-*Roe* abortion cases, *Thornburgh* v. *American College of Obstetrics and Gynecology*. Greenhouse describes how Blackmun's majority opinion "rephrased the rationale for *Roe* in language that was more directly centered on the woman than any of the Court's previous" abortion rulings. "The almost clinical tone of *Roe* was replaced by something close to passion. The rights of women, rather than those of doctors," became Blackmun's focus. Yet Greenhouse does not note a crucial memo that Karlan gave Blackmun after reviewing a first draft of his opinion. "I think the constant appending of phrases like 'with her physician' to the description of the woman's right to an abortion ... is unnecessary," Karlan asserted. "It is a woman's right, and not a physician's, and I think the repeated reiteration of the physician's role detracts from the essential nature of this right to women." As the final opinion reflected, Blackmun and her fellow clerks took Karlan's comments to heart.

As the years went on, Blackmun's law clerks enjoyed increasingly free rein. Greenhouse emphasizes "the disrespectful way his law clerks felt free—or even encouraged—to refer to the chief justice" in their memos to Blackmun. But Blackmun's contempt was not limited to Warren Burger; his acerbic views of other colleagues—terming them both rude and childish—recur repeatedly in his private notes. Greenhouse also acknowledges Blackmun's regular pattern of recording physical descriptions of lawyers and other individuals whom he encountered "in terms that were rarely flattering." Women attorneys "were usually described at least partly by their attire" and often by their hairstyles. A male applicant for a clerkship had a "small nose." Solicitor General Kenneth Starr was labeled "a Boy Scout goodie-goodie."

WARREN BURGER RETIRED as chief justice in 1986, but "there is no record that the two old friends exchanged any personal notes about this momentous transition," as Greenhouse poignantly remarks. By that time, "the friendship between Burger and Blackmun had vanished," leaving Blackmun a far lonelier justice than he ever could have imagined back in 1970. Only years later, following Burger's death in 1995, did Blackmun even come close to voicing his feelings about what had happened. A student law review requested his comments for a memorial volume, and Blackmun's brief response featured none of the usual encomia. "Much already has been written ... about Warren as Chief Justice," Blackmun observed. "Less will be written and said, perhaps, about his contributions to the basic substance of the law and its development," he disdainfully added. "He was what he was and therefore must be accepted as an influential Chief Justice."

As Greenhouse comments, "This was Blackmun speaking directly, not Blackmun editing a law clerk's draft." Burger, Blackmun went on, "did not achieve by smooth or gentle or patient tactics." When the two men differed, "the disagreement often was basic and, on occasion, emphatic. He had little patience for disagreement," and when it occurred, "his disappointment was evident and not concealed. The situation was not comfortable, but it was inevitable." Whether that verdict was based upon simply his view of Burger's personality, or whether his own evolution had contributed significantly to that inevitability, Blackmun did not say.

Three years after Burger's retirement, the Bush administration mounted a frontal challenge to *Roe* v. *Wade*, and in doing so it cited Blackmun's opinion in *Garcia* as precedent for how the Court sometimes reversed its own constitutional rulings. Blackmun was furious. "This is a personal attack on me," he angrily, and egocentrically, noted. But *Roe* survived not only that assault, in *Webster* v. *Reproductive Health Services*, when O'Connor refused to give Chief Justice Rehnquist an anti-*Roe* majority, but also a far greater threat in *Planned Parenthood* v. *Casey* in 1992. As Kennedy told Blackmun face-to-face after first sending that ungainly note, not only had O'Connor joined with newcomer David Souter in refusing to inter *Roe*, but Kennedy himself surprisingly had defected from the expressly anti-*Roe* stance that he previously had endorsed in *Webster*.

THE CASEY RULING PRESERVED *Roe* just as Blackmun, by then eighty-three years old, was beginning seriously to contemplate his own retirement. Yet the wrenching centerpiece of Blackmun's final years on the Supreme Court was not the jurisprudence of abortion; it was the jurisprudence of capital punishment, with which he had wrestled well before *Roe*. As Greenhouse explains, "Blackmun's discomfort with the death penalty grew with each passing term" during the 1980s and the early 1990s. In early 1993, in a dissent in *Herrera* v. *Collins*, Blackmun explicitly questioned whether "capital punishment remains constitutional at all."

Class Action

Give The New Republic to your favorite student.
Subscribe at www.tnr.com/gift

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

In Blackmun's mind, the disqualifying flaw in the policy of capital punishment was the glaring possibility that even minimal fairness with regard to which convicted murderers were executed and which were not had proved to be hopelessly unattainable. Several months later, in August 1993, one of Blackmun's outgoing law clerks, Andrew Schapiro, gave Blackmun a forceful memo advocating that in the upcoming term Blackmun should indeed declare that capital punishment was inescapably unconstitutional. Blackmun gave Schapiro's memo to one of his incoming clerks, Michelle Alexander, who set to work drafting a comprehensive opinion. Greenhouse describes the importance of Schapiro's and Alexander's work with little editorial comment. But in one phrase—"reverting to his role as law clerk rather than counselor"—she does passingly acknowledge just how unusual it was, relative to other justices' practices, for law clerks to play so assertively substantive a role as Schapiro and his successor did in their work for Blackmun.

Prior to the end of 1993, no one except Blackmun himself knew how seriously he was contemplating that the 1993 term would be his last. In a December interview with Nina Totenberg, Blackmun signaled that he soon might have something notable to say about capital punishment: "I'm not certain at all that it—the death penalty—can be constitutionally imposed. I haven't taken that position yet, but I'm getting close to it." Indeed, Alexander was already carefully perusing the roster of pending capital cases with an eye toward finding an ideal one in which to issue the dissenting opinion that she had drafted and polished. By February 1994, she had identified Texas death row prisoner Bruce Callins, whose petition for Supreme Court review the justices were poised to deny, as the best opportunity, and on February 22 Blackmun's *cri de coeur* was announced as a dissent from his colleagues' refusal to hear *Callins* v. *Collins*.

Greenhouse delineates clearly, yet without any explicit criticism, how not only the opinion's analytical content, but even its signature protestation, was almost wholly the work of Michelle Alexander, not Harry Blackmun. As Greenhouse writes, "Aside from some minor editing, Blackmun accepted nearly everything Alexander had written: 'From this day forward, I will no longer tinker with the machinery of death.' Blackmun changed 'forward' to 'on,' but Alexander persuaded him to change it back. Blackmun changed 'will' to 'shall' and reversed the word order for emphasis: 'From this day forward, I no longer shall tinker with the machinery of death.'"

The words may have been almost entirely Alexander's, but the underlying repugnance was Blackmun's own and reached back prior to his elevation to the nation's highest court. As an appeals judge in 1968, and as a justice from 1970 right up through hundreds and hundreds of death row petitions during the 1980s and early 1990s, Blackmun had always refused to allow his personal sentiments to trump the limits of the judicial role. But his years of loneliness on the Supreme Court, plus his years of embracing the self-chosen martyrdom of *Roe* v. *Wade*, made him an increasingly sentimental jurist in his final years.

Blackmun's widely mocked declaration "Poor Joshua!" in the opening words of his dissent about the legal responsibility for the abuse of a child of that name in *DeShaney* v. *Winnebago County* in 1989 was, as Greenhouse attests, wholly his own phrase and not the inspiration of some young clerk. But this exclamation, like his dissent in *Callins*, marked Blackmun as a jurist whose empathy for society's least fortunate also betrayed an aspect of emotional self-indulgence. *Roe* v. *Wade* will always remain Harry Blackmun's indelible legacy, but as he himself would have been the first to admit, a landmark ruling does not require a great jurist. Far from it. ■

CORRESPONDENCE

continued from page 4

EFRAIM KARSH RESPONDS: Stephen Schwartz charges me with "accusing all Muslims of ... [anti-Jewish] bigoted beliefs and behavior." I made no such accusation. Rather, I argued that the representation of Arab anti-Semitism as an offspring of the Arab-Israeli conflict "ignores a deep anti-Jewish bigotry that dates to Islam's earliest days and reflects the prophet Muhammad's outrage over the rejection of his religious message by the contemporary Jewish community." But this is not to say that all Muslims are anti-Semites. I might have added that both the Koran and later biographical traditions of the prophet abound with negative depictions of Jews. They are portrayed as an evil and treacherous people who, in their urge for domination, betray allies and swindle non-Jews; they tamper with the Holy Scriptures, spurn Allah's divine message, and persecute His messenger Muhammad, just as they had done to previous prophets like Jesus of Nazareth. For this perfidy, they will incur a string of retributions, both in the afterlife (when they will burn in hell) and here on earth (where they have been justly condemned to an existence of wretchedness and humiliation).

I raised these issues in the *Commentary* article, from which Schwartz quotes selectively. In an attempt to downplay the pervasiveness of the blood libel in the nineteenth-century Ottoman Empire, Schwartz claims that my piece wrongly substitutes "three cities in Syria" for "the whole 'Muslim World,'" before claiming I neglect their Christian origins. Not only did my NEW REPUBLIC piece specify that the blood libel was imported from Europe, but the *Commentary* article shows how the scope far exceeded "three cities in Syria," including Aleppo, Antioch, Beirut, Damascus, Deir Al Oamar, Homs, Tripoli, Jerusalem, Alexandria, Port Said, and Cairo. There is no denying that the persecution of Jews in the Muslim world never reached the scale of Christian Europe. But that did not spare them from centuries of repression.

ALIENATION

I HAVE KNOWN REPRESENTATIVE TOM Tancredo for a long time, but his anti-immigration crusade is disastrous for the Republican Party ("Border Wars," March 28 & April 4). Most Mexican immigrants embrace traditional values, hard work, education, and entrepreneurship. The GOP should be recruiting them, not driving them away. Republicans need only look to the demise of California's GOP to see the consequences of nativism. Unfortunately for Republicans in states like Arizona and Texas—states with tremendous immigrant growth—there are no Arnold Schwarzeneggers to save the party from itself.

CLINT BOLICK
Phoenix, Arizona

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

CAMBRIDGE DIARIST

Impolitic

IT'S A TERRIBLE RISK IN MY ENVIronment to write anything positive about George W. Bush. When I do, my wife treats me as if I am a bit ill. My children (grown) are reluctant to introduce me to their pals. The phone stops ringing, except when there are nasty people on the other line. I get snubbed at dinner parties, or don't get invited at all. Some friends are less vindictive than others. These are the ones who humor me, apparently hoping that this is just a phase—"Rather like," said a professor of law at the University of Texas, "when you went off the deep end and supported aid to the Contras." I didn't remind her that the Sandinistas actually lost an internationally supervised election that was part of the formula for ending the Nicaraguan civil war.

I WANT TO SAY SOMETHING FAVORABLE about Bush again. It is this: He seems to me to have completely transcended the biases of gender and race in his appointments. Oh, he has his prejudices: He wants his appointees to be a certain sort of conservative. But no one can deny that he has broken the glass ceiling for women and blacks and Latinos in the executive and judicial branches. This is an embarrassment for Democrats who, like their present chairman, still attribute bigotry wholesale to Republicans. Well, Bush is a Republican who isn't bigoted: He has put his foreign policy in the hands and head of a female African American. This is not without some risk. Imagine the inner challenge to Saudis and other Arabs who encounter Condoleezza Rice as the plenipotentiary of the most powerful country on earth. You get an inkling of what that might feel like from the Arab saying that "a black face begins a black day." And just look at the proliferation of minorities among generals. These aren't presidential appointees, of course. Many of these decencies are the work of the hated Donald Rumsfeld.

BILL CLINTON WAS THE FIRST BLACK president, or so Toni Morrison ruled. He even put his post-presidential office in Harlem. But he did not appoint one African American to a truly significant office in the executive branch. Of course, Jesse Jackson did a lot of hustling around the Clinton administration, having been named "Special Envoy of the President and Secretary of State for the Promotion of Democracy in Africa." Clinton did appoint a woman to the big post of secretary of state, and Madeleine Albright did literally chase breathlessly after Yasir Arafat at Camp David, begging him to return to the conference table. Well, dignity she did not have. Let's call her excitability diligence. Albright appointed her protégée, Susan Rice, all of 33 but black, as assistant secretary for African affairs, so the eyes whose scrutiny the tyrants of Liberia, Sierra Leone, and Nigeria eluded were hers. If John Kerry had won the election, Rice was destined for a top job.

WHICH BRINGS ME TO JOHN BOLTON. Whatever his would-be tormentors say, he is hardly being opposed because he's a nasty man or because he delivered a speech not vetted by the State Department or because he played rough with people lower on his totem pole or because he didn't believe some intelligence emanating from the CIA. (This last is actually a sign of his wisdom. The CIA has been peddling feeble and dangerous intelligence for decades.) Bolton's offense is to believe that American democracy has enemies; that words alone will not hinder their weapons; and that the United Nations is an alliance of those too weak-willed to stand up and fight for the good. Bolton believes in the sovereign power of democracies because they are responsive and responsible to their peoples. The United Nations cannot even pretend to embody such legitimacy. Please read on page 29 the immensely impressive essay by Thomas Nagel arguing (with some practical differences) this same principle.

THE FACT IS THAT BOLTON, AS AMBASsador to the United Nations, would pick up the intellectual mantle of Pat Moynihan, who was attacked for his undiplomatic words and provocative ways on the same editorial pages, at the same high-minded conferences, and by the same kind of gauzy-eyed politicians that now revile Bolton. Moynihan once said to me, quoting Fred Ikle, that negotiating at the United Nations always betrays you into the "semantic infiltration" of deep falsification. This is something that Bolton would not do. It is no secret that I believe the United Nations to be a false remedy for the world's ills. (Darfur just keeps happening, doesn't it?) So, since the expansion of the organization's headquarters in New York is in deep financial and political difficulties, I propose a test. Let the United Nations move, say, to Lagos, a major city of a paradigmatic member state, undemocratic and verging always on civil strife. Let all of the supposed economic advantages of hosting the United Nations flow to that poor country. Let us see what happens. What will happen is that no one would come. The supposed need for the organization would vanish, and with it would go "the theatre of the absurd," as Moynihan once put it. His U.N. memoir and lament, *A Dangerous Place*, remains all too relevant.

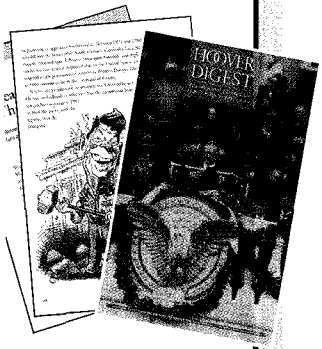
AND SPEAKING OF HISTORICALLY MOmentous personnel decisions: Reports last week revealed that the FBI had, for nearly two years, been unable to track down two of the 19 perpetrators of September 11 already in the United States. The CIA joined in the fiasco by blocking information from the Bureau. Both agencies knew that the two men posed a threat; both did nothing to stop them. This led me to ponder two other appointees, Clinton appointees. The first is Louis Freeh, who spent the years immediately before September 11 obsessing about Al Gore's altogether faultless appearance at some Buddhist temple rather than riveting his attention and his counterterrorism team on, well, terrorism. The second is George Tenet, whose failures in dealing with Al Qaeda have been overwhelmed by his confident evaluation of Saddam's chemical arsenal, which locked the Bush administration into its own fixations. And one last observation that will not endear me to my own: For many years, Hillary Rodham Clinton was a director of Wal-Mart, which is taking heat for structuring its labor force so that it doesn't have to pay medical benefits. This is a moral and economic scandal. What did Mrs. Clinton say about it or do about it when she was on Wal-Mart's board?

MARTIN PERETZ

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Homeless No More?

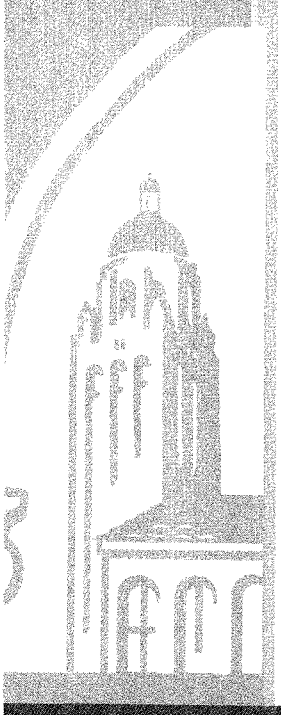
HOOVER
DIGEST
RESEARCH AND
OPINION ON
PUBLIC POLICY



FREE ISSUE

Receive a complimentary
issue of the latest Digest
without obligation.

Call 800.935.2882 or visit
www.hooverdigest.org



Paid for by the Hoover Institution, Stanford University.

A recent Gallup Poll found that "nearly two-thirds of Americans are concerned about hunger and homelessness in the nation." Such widespread unease has the attention of public officials from city mayors up to the president, and they are lining up to address the homeless issue. Over the past year, communities in every state have joined with the federal government on a national initiative to end chronic homelessness in ten years.

The chronically homeless make up just 10 percent of the homeless population nationwide but use 50 percent of the sheltering resources and other costly public services such as emergency rooms, detox facilities, jails, and courts. This results from the intensity of the problems experienced—the chronically homeless lack stable housing for long periods of time (often years), frequently suffer from mental illnesses, and begin with or later acquire serious physical disabilities and drug and alcohol addictions.

By targeting the chronically homeless, the Bush administration hopes to solve a finite problem affecting community safety and attractiveness and to free up resources for homeless youth and families. Another motivating factor, backed increasingly by federal dollars, is the emphasis on ending rather than managing homelessness. What sets this "new approach" apart from past efforts?

First, planning to end chronic homelessness brings with it a demand for accurate and detailed information on who is homeless, why, and what services they use. Moreover, it is important to know which programs are successful in ending homelessness. A decade ago, this type of data collection was rarely done—primarily due to opposition among homeless service providers over issues of privacy. Today, the demand for data to verify reductions in the number of homeless and hold programs accountable for results dominates privacy concerns. This is, overall, a positive development that should improve the delivery of housing and services and help eliminate ineffective programs.

Second, we're seeing a reorientation of the role of jails, hospitals, welfare programs, and the foster care system in preventing homelessness for those no longer under their care. Efforts are under way to coordinate discharges and place clients directly into transitional or permanent housing, thereby reducing the probability of their becoming homeless. This too is a useful idea but one that may be more difficult to implement considering the limited resources of mainstream public services and their tendency to resist change.

Third, the task of ending chronic homelessness has elevated the provision of permanent support services housing above emergency shelter remedies. By linking housing with on-site counseling, substance abuse treatment, and health care, the heavy use of public services is reduced. **Proponents of supportive housing see a comprehensive and permanent fix to chronic homelessness for little or no additional cost, which has communities across the country energized.** This may be an instance, however, where more is promised than can be delivered.

Will we end chronic homelessness in ten years? No. But the changes now under way in cities both large and small will move us closer to this goal.

—Jeffrey M. Jones

Jeffrey M. Jones is a research fellow at the Hoover Institution.

HOOVER INSTITUTION

. . . ideas defining a free society

Hoover Institution Stanford University Stanford, CA 94305-6010 Tel: 877.466.8374 Fax: 650.723.1687 info@hoover.stanford.edu www.hoover.org

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

WHEN OUR TELECOM LAWS WERE WRITTEN,
A BUNDLE WAS SOMETHING YOU
BROUGHT HOME FROM THE HOSPITAL.

USTA
UNITED STATES
TELECOM
ASSOCIATION

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED